The determinations of the moste famous and mooste excellent vniuersities of Italy and Fraunce, that it is so vnlefull for a man to marie his brothers wyfe, that the pope hath no power to dispence therwith.

MVSEVM
BRITAN
NICVM

The determinacion of the vniuersite of Orleaunce.

NOt longe syns there were put forth vnto vs the college of doctours regentz of the vniuersitie of Orleāce, these. ij. questions, that folowe. The fyrste, whether it be lefful by the lawe of god for the brother to take to wyfe that woma whom his brother hath lefte. The secōde, and if this be forbydden by the lawe of god, whether this prohibition of the lawe of god maye be remytted by the pope his dispensation. We the forsaid college of doctours regentz accordyng to our custome and vsage came many tymes to gether, and dyd sit diuerse tymes vpon the discussinge of these forsaid doubtes and questiones, and dyd examine and wey, as nioche as we myght, dyuerse and many places both of the olde testamēt and the new, and also the interpreters and declarers bothe of the lawe of god and of the canon lawe. And when we had weyed and cōsidered all thinges exactly and with

good leyser and deliberation, we haue determined and concluded/that these forsaid mariages can not be attẽpted nor enterprised/except a man do wronge and playne cõtrary to the lawe of god: yea and that all though it be done by the pardon and sufferaunce of the pope: And in witnes of this cõclusion and determination/ we haue caused this present publike writynge to be sygned by our scribe of our sayde vniuersite/ and to be strengthed and fortified with the seale of the same. Inacted in the chapell of our blessed lady of the annuntiation/ or of the good tidinges/that she had of Christis comynge/ in Orleance, the yere of our lorde. 1529. the. 5. day of Aprill.

The determinaciõ of the faculte of the decrees of the vniuersite of Paris.

IN the name of our lord. so be it. There was put forth before vs, the Deane and college of the ryght counseilfull faculte of decrees of the vniuersite of Paris this question, whether the Pope myght dyspense, that the brother myght mary

mary the wyfe/that his brother had lefte, if maryage betwen his brother nowe deed and his wyfe were ones consummate. we, the dean and College of the forsaide facultie, after many disputacions and reasons made of bothe sides vpon this matter, and after great and longe tournynge and serchynge of bokes bothe of the lawe of god and of the popes lawe/and of the lawe Ciuill: we cõsel and sey/that the pope hath no power to dispense in this forsayd case. In wytnesse whereof we haue caused this present wrytinge to be strengthed with the seale of our facultie/ and with the signe of our scribe our chefe bydell. Gyuen in our cõgregation or assemble at saynt Johñ Lateranense in Parys/ the. 25. day of May/ the yere of our lorde. 1530.

The determinatiõ of these. ii. facultes/ that is/of the Popes lawe/and the Ciuill lawe/of the vniuersite of Angewe.

NOt longe tyme sins ther were proposed vnto vs, the Rector and doctours regentes in lawe Canon and Ciuile of the vniuersite of Angewe, these

two questions here folowynge. That is to witte, whether it is vnlefull by the lawe of god, and the lawe of nature, for a man to mary the wyfe/that is lefte of his brother and that departed without childerne, but fo that the mariage was cõsummate. And ageyne/ whether it is lefful for the Pope to dispense in suche mariage. we the fore said Rector and doctours haue, accordynge to our custome and vsage, many tymes commen to gether / and sytten to dispute these questions, and to fynde out certaynly the treuth of them. And after that we had discussed and examyned many and dyuerse places, as wel of the lawe of god, as of the lawe of man / whiche seme to perteyne to the same purpose: and after that we had brought many reasons for bothe parties/ and examined them: all thynges feythfully, and after good conscience consydered, and vpon sufficient deliberation and auisement taken: we define and determine/ that nother by the lawe of god/nor of nature/it is permitted for any Christen man/ no nat euin with the auctorite of the seate apostolyke, or with any dyspensation graunted by the pope / to mary the wyfe / that his brother

brother had lefte/ all though his brother be departed without chyldren, after that mariage is ones fynisshed and consūmate. And for witnesse of all these forsaide thynges/ we haue cōmaunded our scribe of our fore sayd vniuersyte to sygne this present publike instrumēt/ and it to be fortified by the greatte seale of our sayde vniuersite. Inacted in the churche of seynt Peter in Angewe by our college / the yere of our lorde. 1530. the. 7. day of May.

The determination of the facultie of diuinitie of the vniuersitie of Paris.

THe Deane and the facultie of the holye diuinitie of the vniuersitie of Paris to all them/ vnto whom this pſent wrytig shal come/ wysh heth safetie in our sauiour Christe / whiche is the verye trewe safetie. where of late there is rysen a controuersie of great difficultie vpon the mariage betwene the mooste noble Henry the. viij. kynge of Englande/ defendour of the faythe/ and lorde of Irelande. &c. and the moste noble lady Katharine / quene of

Englande/doughter of the Catholike king Ferdinande, which mariage was nat onelye contracte betwene her and her former husbande/but also consummate and finysshed by carnall intermedlynge, this question also was proposed vs to discusse and examine accordynge to Justice and treuth/ that is to say/whether that to marie her/ that our brother deade without chyldren hadde lefte/be so prohibite by the lawe of god and of Nature/ that hit can nat be made lesull by the popes dispensations/ that any christian man shulde marye the wyfe, that his brother hath lefte. we, the forsayde deane and facultie callynge vnto our remembraunce howe vertuous and howe holy a thynge and howe agreable vnto our profession, vnto our duetie of loue and charitie/hit is for vs to shewe the waye of Justyce and ryght, of vertue and honestie to them/ whiche desyre to leade and passe ouer their lyse in the lawe of our lorde with sicker and quiet conscience: wolde nat but be redy to satisfie so iuste and honest requestes. wherupon after our olde wonte, we came to gether vpon our othe in the churche of saynt Da-

turin-

turin / and there for the same thynge had a solempne masse with deuout prayer to the holy goste / and also we toke an othe euery man to delyuer and to study vpon the forsayde question, as shulde be to the pleasure of god / and accordynge to conscience. And after diuerse and many sessions or syttynges, whiche were had and continued in the churche of seynt Maturin, and also in the college called Sorbone, frō the viii. day of June to the seconde day of July / when we hadde serched and examined throwe and throwe, with as moche dilygence as we coulde, and with suche reuerence and religion or cōscience as becometh in suche a matter, bothe the bokes of holy scripture, and also the moste approued interpreters of the same, finally the generall and synodall councelles, decrees / and constitucions of the sacre holy churche / which by longe vsage and custome haue ben resseyued and approbate: we the forsayde Dean and faculte, disputinge vpon the forsayde question, and makynge answere to the same: and that after the iugement and full consent of the moste parte of the faculte, haue concluded and determiued, that

the foresayde mariage with brothers wyues, departynge without chyldren, be so forbydden, bothe by the lawe of god/ and of nature, that the pope hath no power to dyspense with suche maryages, whether they be cõtracte, or to be cõtracte. And for credence and beleue and witnes of this our assertion and determination, we haue caused the seale of our facultie, with our notaris signe to be put vnto this present writinge. Dated in our generall congregation, that we kepte by an othe at saynt Maturins, the yere of our lorde. 1530. the seconde day of July

The determinacion of the vniuersite of Biturs.

WE the Dean and facultie of diuinite in the vniuersyte of Biturs, bycause we wyll accordynge to the ensample of Paule the doctour of the gẽtiles/ whiche dothe lyke wise in many places / wyl begyn our writynge with prayer/ vnto al the beloued of god/ amonge whom you most dere readers/ vnto whõ we write,

be

be ealled/grace and peace and quietneſſe of conſcience come vnto you from god the father/ and frō our lorde Jeſu Chriſte . with in the octaues of whytſontyde / whyle we were gethered to gether all into one place both in body and mynde, and were ſytting in the houſe of the forezayde Dean, there was a queſtion put vnto vs ageyne, which had ben propoſed vnto vs often tymes bezore, beinge no ſmall queſtion, which was this:whether the brother takyng the wife of his brother now deed, and the mariage ones conſummate and perfecte, dothe a thynge, that is vnlefull,or no. At the laſte when we had ſought for the treuth of the thynge, and had perceiued and founde it out by moche labour and ſtudye of euery one of vs by hym ſelfe, and by moche and often turninge of holy bokes/euery one of vs not corrupt, wherby we might the leſſe haue obeyed the treuth, began as the holy goſte dyd put in his minde,to gyue euery man one arbiterment and ſentence,whiche was this: J haue wel perceyued in very trouthe with out regarde or reſpecte of any perſon,that thoſe perſones/whiche be reherſed in the.xviii.chaptre of the Leuiti-

call

call / be forbydden by the very lawe of nature to contracte matrimony to gether, and that this lawe can in no wyse be released by any auctorite of any man: by the whiche ther is made an abbomynable discouering of the brothers foulnes. And this is the signe of our comen bedyl & notary, & the seale of our forsayd facultie put vnto this present writynge the. x. day of June, the yere from the byrthe of Christe. 1530. And by cause the foote of our wrytynge shal be of one forme or fassbion with the heed, as we began with prayer / so let vs ende, after the example of Paule that we spake of before, and sey: The grace and fauour of our lorde Jesus Christe / the charite and loue of god, and the communication of the holy gost be with you al. Amen.

The determination of the facultie of diuinitie of the vniuersitie of Bononye.

God beſt, & myghtieſt, taught fyrſte the olde lawe or teſtament with his owne mouth/ to forme and faſſhyon accordyng to loue and charitie the maners and lyfe of men. And ſeconde the ſame ſelfe god dyd take afterwardes manhode vpon hym, for to be the redemer of man: and ſo made the newe lawe or newe teſtament, nat oncly to forme and faſſhion accordynge to loue & charitie, the lyfe and the maners of men/ but alſo to take away and to declare doubtes/the whiche dyd aryſe in many caſes: whiche whan they be ones clerely determined/ſhall helpe greatly to p̄fecte vertue and goodnes/ that is to ſay/ to perfecte loue and charite. wherfore we thought it euermore/ that it ſhulde be our parte/to folowe theſe mooſt holy doctrines & lawes of our father of heuen/and that we lyghtned by the lyghte of god aboue/& of the holy gooſte, ſhulde gyue our ſentence and iudgement in hyghe and

doutfull matters/ after that we haue ones leyserly and sufficiently taken aduisement vpon the cause, and haue clerely serched out & opened the thyng by many reasons and writinges of holy fathers/ as well for the one parte as for the tother/doynge nothing as nighe as we can rashely or without deliberation. Therfore where as certaine great & noble men dyd instatly desyre vs/that we wolde with al diligéce possible loke for this case/ that hereafter insueth: and afterwardes to gyue our iugemét vpō the same/accordynge to most equite ryght and conscience/sticking onely to the truth/ all the doctours of diuinite of this vniuersitie/ whan we had euery one by hym selfe examined the matter before at home in our houses, came all to gether in to one place/ and there treated vpon hit many dayes/with as moche counnynge and lernynge as we coulde: we anon loked vpon the case to gether/we examyned hit to gether/ we compared all thynge to gether: we handlynge throughly euery thynge by it selfe/dydde trie them euen as you wolde saye/ by lyne and rule: we brought forthe all maner of reasons/whiche we thought

coulde

coulde be brought for the contrary parte/ & afterwardes solued them. ye euen the resones of the mooste reuerende father Lardinal Laietaine, yea more ouer the Deuteronomi dispensation of styrring vp the brothers sede, and shortly all other maner of reasons and opinions of the contrarie partie, as many as semed to belonge to this pourpose. And this question/ that was asked of vs was this / whether hit was forbydden onely by the ordynaunce of the churche/ or els by the lawe of god / that a man myghte nat marye the wyfe leste of his brother: departed without children. And if it were cōmaunded by both the. ij. lawes nat to be done, whether the pope may dispence with any man to make suche mariage? the whiche question nowe that we haue examined it bothe by our selfe secretely, and also openly as dyligently and exactly as we coulde possible, and discussed it after the best maner that our witte wold serue, we determine/ we gyue iudgement, we sey, and as stifly as we can we witnes/ and without any doute/ do stedfastly hold/ that this mariage shulde be horrible/ accursed/ to be cryed out vpon/ and vtterlye abhomi-

abbominable, not onely for a christen man/ but also for any infidell/ vnfeythful, or hethen. And that it is prohibite vnder greuous peynes and punyssh̄ementes by the lawe of god of nature and of man/ and that the pope/ though that he almost maye do all thyngcs/ vnto whom Christe dyd gyue the keyes of the kyngdome of heuen/ hath no power to gyue a dispensation to any man for to contracte suche a mariage for any maner of cause consideration or suggestion. And all we be redye at all tymes and in al places to deende and maynteine the treuth of this our conclusion. In wytnesse wherof we haue made this present writing, and haue fortified the same bothe with the seale of our vniuersitie, and also with the seale of the college of the doctours of diuinitie, and haue subscribed & signed it with our general and accustomed subscription. In the cathedrall churche of Bonony the .10. daye of June/ the yere of our lorde .1536. vnder the popes hyppe of Clemente the eyght.

The determination of the faculte of diuinitie of the vniuersitie of Padway in Italy.

THey that haue written for the mayntenaunce of the catholike feyth, affirme that god best and mightiest dyd gyue the preceptes and cómandementes of the olde lawe with his owne mouthe, to be an exampler for vs, wherin we might se howe we shuld order our life & our maners, and this god had done before he became má. And after that he had put vpon hym our manhode, and was become redemer or byer of mankinde, he made the newe lawe or testamét, and of his mere liberalitie dyd gyue it vs nat only for the cause beforesayd, but also to take away and declare al maner of doutes and questions, that myght arise, the whiche ones opened and declared what their very true meanynge is, to the intent that therby we myght be made perfectly good, be greatly frutefull vnto vs and holsome, and seinge that this was the mynde of god in makyng these lawes, it hath ben our intent, and euermore shal be, as it be-

cometh christen men/to folowe these most solempne ordinaunces of the moste bygh worke mayster god/and by the helpe of light,that is aboue the capacite of nature, to vtter our iudgement in al maner of doutes and harde questions. After that we had ones consydered the thynge after the best maner, and had by suffycient leyser made it clere by many euident reasons of bothe parties, and by many auctorites of fathers of the churche, determinynge no thinge, as nere as we can,rashely or without conuenient deliberation: seynge therfore that certeyne great orators or ambassadours dyd humbly praye vs/that we wolde wytsaue to serche out/with all the diligence that we coulde/this case folowynge: and afterwardes to gyue our sentence vpon the same, playnely & symply loking vpō the only treuth/all the doctours of diuinite of this vniuersite came to geder after that we had euery mā examined the thynge particularly at home in our owne houses,and haue beatē it out with all lernynge and counnyng that we were able/anon, whan we were to gether, we cosydered, examyned, and weyed all thynges by them

them ſelfe, and brought in all maner of rea
ſons / whiche we thoughte myghte in any
meanes be made to the contrarye / and
without all colour or cloke dyd holly and
clerely diſſolue them, & take them awaye:
and amongeſt al, euyn the diſpenſation by
the lawe of the deuteronomi of ſtyrrynge
vp the brothers ſede, and all maner other
reaſons and determinations to the contra
ry, that ſemed to vs to perteyne any thing
to the purpoſe / we vtterly confuted and
diſpatched them. And the queſtion, that
was put vnto vs is this. whether that to
marye the wyfe of our brother departed
without children, is forbiddē only by the
lawe of the churche, or by the lawe of god
alſo: and if it be forbydden by both the .ij.
lawis / whether the pope may diſpēce with
any man for ſuche matrimonie or no. whi-
che queſtion nowe that we haue diſcuſſed
it / and as farre as we coulde, haue made it
clere / bothe priuately euerye man by hym
ſelfe / & all to gethers openly / we ſay / iuge,
decree / wytneſſe, and for a treuth affirme /
that ſuch mariage is no mariage: yea that
hit is to be abhorred and curſed of euerye
chriſten man / and to be abhomynate as a

greuous ſynne/and that it is as clerely as can be forbydden vnder mooſt crudell penalties by the lawe of nature,of god,and of man. And that the Pope, vnto whom the keyes of the kyngdome of heuen be commytted by Chriſte, the ſonne of god, hath no power to diſpenſe by ryghte and lawe for any cauſe or ſuggeſtion,or excuſe/ that any ſuche matrimonie ſhulde be contracte. for tho thynges/whiche be forbidden by the lawe of god/ be nat vnderneth his power/but aboue hit/nor he is nat the vicar of god/as concernynge tho thynges/ but only in ſuche thinges/as god hath nat determined him ſelfe in his lawe/but hath left them to the determination and ordinance of man. And to mainteine the truth of this our ſentence and cõcluſion/ and for moſt certaine/ & vndoubted defence of the ſame, we all of one mynde and accorde, ſhall at all tymes and in euerye place be redye. In wytneſſe wherof we haue made this writinge, and haue auctoriſed it with the accuſtomed ſeale of our vnyuerſitie, and alſo of our college of diuines. Dated at Padway in the church of the hermites of ſeynt Auſten the.1.day of July an.1530.

The

The determination of the vniuersitie of Tolose.

THer was treated in our vniuersite of Tolose a very harde question, whether it is leful for the brother to mary her, whiche had ben wyfe vnto his brother now departed, and that without childerne. There was beſyde this, a nother thynge, that troubleth vs very ſore, whether, if the Pope, which hath cure of Christes flocke, wolde by his diſpẽſatiõ, as men cal it, ſuffer this: that thã at the leeſt wiſe it myght be lefull. The Rector of the vniuerſite called to coũſell all the doctours regentes, that were that tyme at Tolose, for to ſhewe theyr myndes vpon this queſtiõ, and that not ones but twyſe: for he iuged, that counſell gyuynge ought not to be haſted, nor done vpon heed, and that we had nede of tyme and ſpace to do any thynge conueniently, and as it ought. At the laſt there came to gether in to one place all the beſt lerned and counningeſt doctours, both of holy dyuinite, and alſo doctours, that were moſt beſt lerned in bothe lawes, yea and finally as many as had any experiẽce

in any matter, & were able to do any thing other by iudgement and discretion/ or by eloquence, or by their excellét wyttes: and did swere, that they wolde obey the sacre boly coũsels, and wold folowe the decrees of the fathers, whiche no man, that hath any good conscience/ will violate or breke/ and so euery man sayd his mynde/and the matter was debated and resoned diffusely and at large for both parties. In cõclusion we fell so faste vnto this poynt, that this was the sentence and determination, that our vniuersite/with one voyce of all/dyd determine and conclude, with moste pure and clere conscience, and defyled with no maner of leuen or corruption: that it is lefull for no man, nother by the lawe of god nor yet by the lawe of nature, to take her to wyfe, that his brother hath lefte. And seinge that it may not be done by the lawe of god, nor of nature, we answered al/that the Pope can not lose no más fro that lawe/ nor dispense with hym. And as for that thynge can not be contrary to our sentence & verdicte, that the brother in olde tyme was compelled by the lawe of the Deuteronomi to mary the brothers wyfe depar-

ted

ted without iſſue. For this lawe was but a figure and a ſhadowe of thinges to come, whiche vaniſſhed away, as ſoone as euer the lyght and treuthe of the goſſpell apered. And by cauſe theſe thynges be thus, we haue giuen our ſentéce after this forme aboue, and haue commaunded that ſame to be ſigned by our notarie, whiche is our ſecretarie, and to be fortified and auctoriſed by the puttynge to of our autenticall ſeale of our vniuerſite aforeſayde. At Toloſe the calendes or fyrſt day of Octobre/ the yere from the birthe of Chriſte. 1530.

The preface to the reder.

Entyll indifferent reder thou haſt here before the determinations and decrees/ whiche the mooſt famous and moſte noble vniuerſities of al chriſtendome haue with great conſente, great iugement, and diſcretion, with great faithfulnes/ and without any corruption, with great regarde/ clerenes/ and diſcharge of conſcience made/ and by theyr auctoritie

confirmed vpon thoſe leuitical lawes: by the whiche it is forbydden / that any man ſhulde marie the wyfe of his brother departed without chyldren/ and we doubte nat/but theſe decrees and determinations ought of right and good reaſon to be beleued/both of the and alſo of all other/ that be men of wyſedome and diſcretion; and that be nothynge affectionate/ but indifferent. For ſuche men wyll be well contente and ſatiſfied alonely with the very truth it ſelfe/ all though it be nat fortified with any wytneſſe, nor ſette forthe with pompe and plentie of reaſons: ſo that ſuche men wolde nothinge doute/but that thynge oughte to be iudged as certayne and trewe/as poſſible may be/ the whiche ſo many of the mooſt abſolute/and mooſt wyſe,and mooſt beſt ſene men in all kynde of lernynge haue ſerched/beaten out/ traſed out, and in concluſion decreed and determined,with ſo great grauitie and ſobre maner/ with ſo great ſtudie and diligence/ and with ſuche leyſour and deliberation. But parauenture there be ſome / the whiche wyll lyttell be moued from their opinion/ that they haue ones taken / for all

thoſe

those decrees and verdites of so great lerned and wysemen/and for al the agrement and auctoritie of so many and so excellent vniuersities / but wyll thynke / that hit is necessarie to entre bygher and deper yet into the knowlege of the treuth/and wyll nat grounde and stablysshe theyr beleue but euen vpon the foundacions and grounides of very truth selfe/ whiche they themselfe haue spyed and clerely perceyued / and nat vpon other mennes sentences and iudgementes. Therfore we haue iudged/ that we shulde do a thynge worthe our labour / if we dyd gather in to one smalle boke certayne reasons and auctorities/ by the whiche it might be plainly and openly declared/that ther were very weighty and ryghtfull reasons / whiche were able to brynge so many lerned men into this true opinion. And in doing our diligence in this matter/hit semed to vs conuenient to folowe, as a certayne rule and lyne/ nat only the auctorities of holy scripture / of holy coũsailes and canons, and also of the most approued and resceyued doctours of the churche: but also the wytnesse of reason and nature/ and to set before mens eies/ as

farre as ſcripture or reaſon, or fynallye nature ſemed vs to helpe, for the declaration and confirmation of the iudgement and mynde of theſe forſayde lerned men. And if ſo be it gentil reder/ theſe thynges, that we ſhall ſey, ſhall not fully ſatiſfye thy marueilous exact iudgement, and ſhal be ſene not to be greatly neceſſarye, and to proue but ſmally this matter, that we go aboute: there ſhalbe no cauſe for all that, why thou ſhuldeſt eſteme the moſt weighty determinat ion, and moſte hygbe wiſdome and lernynge of theſe vniuerſyties, by our power and ſmalle lernynge: but ſhalte for thy naturall gentilnes pardon our weakneſſe and ſklenderneſſe of wytte and lernynge, the whiche was not able to do no better/ & ſhalte loke for more weighty and pithythie reaſons of the vnyuerſyties ſelues/whiche reaſons as theſe vniuerſities haue them in a redynes and at hãde, ſo we doubte not, but of their humanitie and gentilnes they will gladly ſhew them to euery man, that will deſyre them/ and alſo ſhortly put them out openly to all the worlde. In the meane ſeaſon, gentill indefferente reder, take in good worthe

our

our ſtudie/and faythful diligence, and this our labour and enterpriſe, and loke ouer theſe wrytinges (ſuche as they be) gladly and indyfferently. And let it not be paynfull vnto the good reder/ yf we tary in any place in this worke ſomewhat longe: for bothe the diffycultie and hardneſſe of this thynge, and the maner of our intent and pourpoſe dothe neceſſarely require, that we ſhulde touche eche one thynge ſomwhat depely euen from the bede and very fountayne and begynnynge of hit. And farthermore, that we ſhulde declare and open all thynges ſome what at large and plentyfully, and that ſpecyally in the fyfte chaptre of thys boke, wherby bothe the treuthe, playnely ſhewed, maye the more clerely be ſeen, and the errour, and falſe opynion of them, that be of the contrarie ſyde, maye be the more eaſely perceyued. And ſeinge, that this verdyte and iudgement of the Vnyuerſytyes conteyneth chieffely two thynges/ the whiche, as ye wolde ſaye/ be the hygbe poyntes and heedes or iſſues of this determynation: The fyrſte, that hit is forbydden, bothe by the lawe of god/ and alſo by the lawe

law of nature/that any christen mā ſhulde marie the wyfe of his brother dyeng with out children. The ſeconde/that the Pope hath nat power to diſpence vpō any ſuche mariages/ whether they be contracte allredy/orels yet to be contracte. It lyked vs here fyrſte and formoſte to loke vpon the lawe of god/ that we might clerely ſe the glorious bryghtnes of the treuthe of our lorde. For trewly who ſo euer wyll diligently loke with ſuche eies/ as he oughte vpon the lawe of god/puttyng of clene the couerynge of his fleſſhe and bloudde/with the deſyres, affections, and luſtes of the ſame/ by the whiche a manne is blynded, that he can nat ſe the trewthe of god/ he ſhall without doubte vnderſtande/ what thynges be of god, what thynges be of Chriſte, & what thinges be of the ſpirite or goſte. For truely the ſame lawe doth perfectely teache/ what thynges ſo euer belonge to the feare and drede of god, what to the euermore enduring treuth/ what to the euerlaſting iuſtice of god/ what to the power and vertue of god/ what to the grace and fauour and to the free benefites of god/ what to feyth, beleue, and truſte/

what

what to knowlegynge of ſynne / what to holyneſſe / what to perfection / to rightnes / to equitie and conſcience / to loue and charitie / breuely / what thinges before god are taken for cleane or vncleane / fyled or vnfiled / comely and acceptable / abhominable and curſed / holy and vnholy. All theſe thynges teacheth the ſayde lawe of god. And the hiſtorie of Moſes (concernynge the ſacrament of matrimony) is after this maner and forme folowynge.

The fyrſte chaptre.

God that is beſt and almighty / after that he by his power / whiche can in no wiſe be expreſſed / had made heuen & erthe, and all thynges, that be conteyned within the compaſſe of the ſame, and at the laſte had made Adam alſo / be ſawe accordynge to his incredible knowlege and wyſedome / that it was nat conueniēt, nor yet good, that Adam ſhuld leade his lyfe in Paradyſe ſolitary and all alone without company / and deſtitute of all helpe and comforte. for god made hym naturally

naturally to lyue in amitie and frendſhip/ in loue and good wyll/ and hadde grauen nowe alredy in his ſoule/ with his fynger of the holy goſte/ certayne generall vnder ſtandynges/ perceyuynges/ and knowleges/ the whiche ſhulde nat onely moue and ſturre hym to the loue of god and man/ to amitie and frendeſhyppe/ and to other dueties/dedes/and offices of vertue: but alſo ſhulde greatly helpe and ſtrengthe hym/make hym able and of power to performe and fulfyll thoſe ſame offices of vertue/after ſuche maner as they ought to be done. Therfore god/ſoone after he hadde made Adam/caſt hym in a deed ſlepe/ and toke out one of his rybbes of his ſide/and made it a womā. And whā he had brogbt her vnto Adā/ & had coupled them ſtraitly to gethers, by the bōde & knot of mariage/ by and by he made the lawes of mariage/ ſayenge by the mouth of Adā, Nowe this bone of my bones and fleſſhe of my fleſſhe. For the whiche cauſe a man ſhal leaue his father and mother/ and ſhall ſtycke vnto his wyfe: and they ſhall be two in one fleſſhe or body/ or two ſhall be made one fleſſhe or bodye. But the deuyll hauynge

enuy

enuy at their felicitie/ by and by came vpō them by subtiltie and suche crafte/ as can nat be tolde/ and dyd nat ceasse tyl he had allured them into the snare of synne. And therfore they were owtlawed and dreuen forthe of Paradyse/ and were cōpelled to till and labour the erth. There when they had applyed them selfe to bryng forthe children, and nowe by proces of tyme the multitude of men was increased vnto an infinite noumbre: god seynge/ that moche was the malyce and vyce of men in the erth, and that all the thought and mynde of the herte of manne was sette and bent euermore and at all tymes to naughtynesse and synne, in so moche that they toke them wyues at aduentures, whome so euer they hadde chosen/ sparynge or forbearynge no maner degree of affinitie or kynred: oure lorde repentynge hym selfe/ that he hadde made man, brought in the waters and Noes fludde vppon the erthe/ and slewe all the flesshe/ in the whiche was the spirite of lyse vnder heuen/ excepte those fewe, whome he commaunded to go in to the arke or shyppe of Noe, the whiche fewe whanne

after

after the drownynge of the worlde/ they were called out of the shyppe abrode, that is to witte, whan that our lord was atone ageyne with mankinde, be gyuyng his blessing to Noe & his children / whan he was about to publisshe vnto them agayne the lawes of maryage: Fyrste and before all thynges he commanded them to do their dutie in mariage, and to encrease and multiplie/ and fyl ful the erthe. But after this whan certayne hundredes of yeres were paste, and nowe the children of Israel, after theyr departyng out of Egypte (where they hadde dwelled of a longe tyme) had ben in the wyldernesse. lx. dayes more or lesse/ and had pyght their tentes ageynste the mounte of Oreb, and there our lorde had shewed vnto Moses, with wonderfull religion and fearefulnes, nat onely the commaundementes and iudgementes/ the whiche he wolde to be gyuen to his people: but also had instructe hym at large of the buyldynge of the tabernacle / and of the ornamentes of the same, of sacrifice doinge, and of hole bourned sacrifice/ and of the place and tyme of the same / of the prestes of the kynred of Leui/ of the differ-

ence

rence of meates / of the clensynges of le-
prijs / and of other mistycal thinges: in the
whiche outwardly appered a shadowe of
seythe / and of good maners / not the very
thynge in dede: our lorde called Moses
vnto hym agayne out of the tabernacle of
witnesse or promyse / and by cause that the
tyme was euen at hande, for the people of
Israhell to entre into the londe, that god
hadde promysed them, he commaunded
Moses ageyn / that by his worde and cō-
maundement he shulde admonysshe the
people of newe / of kepynge the morallē
preceptes / and that perteyne to good ma-
ners / and to the orderyng and wel rulinge
of theyr lyfe / and that he shulde make
them playn and open vnto them / after the
mooste largeste and playneste maner that he
coulde. Therfore by cause, that god dyd
study / and dyd care before al thinges / that
his people / whom he had chosen for his
owne propre flocke / shuld with suche cha-
stitie and pure holynes / as becometh / kepe
their matrimony / the whiche is in honour
and reuerence amongest al folkes: And bi-
cause they shulde kepe their beddes vn-
spotted and vndefiled / nor shulde nat pol-

lute them selfe with suche maner of mari-
ages, as he had abhorred and had in ab-
hominacion nowe of longe tyme amongest
the hethens/ & had rightfully be reuéged
vpon them by mooste greuous punyssh-
mentes, byeause they were vncharytable/
incest/and a cursed/ our lorde cómaunded
Moses, that he shulde prescribe vnto his
people/lawes of matrimoni, that shuld be
cóformable and agreing with honestie and
shamefastnes naturall/and that he shulde
vtterly forbydde suche maryages/ whiche
had foulenes and dishonestie in them. And
therfore our lorde vsed these wordes vnto
Moses/in the. xviij. chaptre of the Leuiti-
call/ sayenge: O Moses/speake vnto the
children of Israbell/ speke and tell them/
nat thy worde/ nor thy commaundement/
but myne. For I my selfe/ their very lorde
and god/do teche them this/ and this com
maunde them/ that they lyue nother after
the abhomynable custome of the Egipti-
ens/from whose miserable bõdage I haue
delyuered them into perfecte and full liber
tie, by my valiaunt arme and mygh tie po-
wer: nor yet after the vngracious vsages,
and maners of the Lananees/whose lande

I wyll gyue vnto them / and wyll bryng
them into it: but that they from hensforth
obserue and kepe my commaundementes /
my iudgementes / and my lawes, and that
they folowe them; and lyue after them.
For besyde other myscheuous vices / this
thyng also is leful and customable amonge
those hethens / to myngle or maryé them
selfe by mooste shamefull luste and plesure
of their bodyes with women / that be most
nyest of their bloud / and of their affinitie /
puttynge no differences betwene them and
other women. Therfore I wyll haue my
people to be very farre from their maners
and conditions. And therfore I myn owne
selfe, theyr verye lorde and god, saye vnto
them, & cómande them / that no má so har
dy to come nye any woman / that is nere of
his blod / for to discouer her foulenes or
shame; as to his owne mother, to his step
mother, to his syster, to his nece / to his
aunte or fathers syster / to his mothers
syster, to the daughter of his son in lawe,
to the daughter of his daughter in lawe,
or to his wyues syster. Also no man shall
take the wyfe of his brother, and no man
shal discouer the foulenes of his brothers

wyfe, bycause it is the foulenes of his brother. For who so marieth his brothers wyfe, dothe a thynge, that is vnlefull, he shall be without sonnes or heyres male. Therfore lette nat my people be polluted with none of these thynges, with whiche all the hethyns be defyled, whome I shall cast out before their faces, and with whom that lande is polluted, and I shall visite & loke on the mischeuous sins of that lande, that it shall vomette and spewe forth the inhabitantes of hit. Lette them kepe my lawes, and my iugementes, and se they do none of all these abbominacions, whether he be of the countrey borne, or a tyll man, that is a straunger amonge them. For the dwellers of this lande, whiche were in hit before them, and haue polluted hit, haue done all those cursed thynges. Therfore let them beware, lest that whan they haue done like thingis, the lande vomet & spewe them out, likewyse as it hath vomet and spewed out the nacion, that was there before them. For euery soule, that shall do any of these abbominations, shal perisshe from the myddes of my people, nor shall nat be rekened amongest my holy people.

And

¶And trewly hytherto we haue ſhewed you/by a certain breue expoſition/and that only vpō the feythe & credence of the moſt approued doctours, that be, and alſo as ſhortely as we coulde/almoſt all that euer is preſcribed and commaūnded in the olde teſtament, by the mouth of god hym ſelfe, vpon the begynninge and fyrſt ordynāce of maryages/ and of the lawes thereof/ and more ouer vpon the impedymentes or lettes of maryage/ by the meane of kynrede and affinitie/ the which haue place at this day. wherby it may eaſely be perceyued, that ſuche an impedyment of mariage is expreſſely foūde in the holy ſcripture/wher by perſones be made vnlefull to contracte matrimonie/ that is to ſay/ the impedimēt by nereneſſe of bloudde, as Moſes called hit: by the whiche we vnderſtande bothe them/that be of kynred, and them that be of affinitie alſo, and that nat generally in al kynsfolke/but ſpecially in thoſe degrees and perſons, whiche bothe we haue reherſed/and they be expreſſely rekned vp in the foreſayde. xviij. chaptre of the Leuiticall. And by the ſame foreſayde thynges a man may alſo well ſe, that no man can pretende

any colour or cloke/ or fynde any maner of cauillation, wherby that man, which hath maried his brothers wyfe, ſhulde nat be iuged of all the holle people, nat onely to haue contemned and diſpiſed god, the whi che hath with ſo great maieſtie cõmaunded the contrary, but alſo to haue offẽded by infectynge and corruptinge the maners of the people, by ſuche a miſchiuous exam ple, to haue done agaynſt the lawes of na ture, and alſo to haue broken fouly and vn godly, the rygbtes and holy kepynge of ſhamefaſtnes and mariage, finally to haue hyndred vniuerſally the propagacion and increaſynge of loue and charitie betwene chriſten people. For who ſo euer wyll con ſyder arygbte, and accordynge to reaſon, the order, the ſtrength, and vertue of theſe lawes/ and alſo the wyſe intent and reaſon of the makinge of them: he ſhal ſone per ceiue, howe true it is, that we haue ſeyde. And firſt of al conſider/ howe greatly theſe lawes of matrimoni do helpe for the mayn teininge & exerciſe of vertue, of chaſtite, of clennes, of holynes, & puritie of mariage, of natural demurenes, ſhamefacidnes, & reue rence, that ought to be betwene kynsfolke,

ſpeci-

ſpecially in mariage, of propagacion or increaſement of loue and charite, and finally of diuers other dueties, offices, and dedes of vertue, whiche both of them ſelfe be honeſt & good/and beſydes forth be neceſſary alſo to the purchaſing & obteining of euerlaſtinge felicitie. Ageyn ponder, how god, moſt of power, and moſt beſt, doth exhorte in a maner by certaine obteſtations or affectuous/ & harty deſiringes & prayengꝭ, nat only the Jues/ but alſo the ſtrangers/that lyue after Moſes lawe/ to perfourme and fulfyll theſe foreſayde lawes, nat onely for his benefites and goodnes, that they haue had, & ſhulde haue of him, but alſo for his owne auctorite and maieſte, which is moſt great, and in no wiſe to be diſobeyed.

Ouer & beſide al this conſider, with howe great ſtrengthe & weyghte of wordes, and with howe great care and thought god, in decreenge theſe lawes/doth often reherſe/ ſayeng: Jt is nat for a man, it is foulenes, it is miſcheuouſnes, it is curſidnes/it is abomination, it is nat to be ſpoken, it is nat lefull/ it is agaynſt the very lawes of god/ breuely bit is fylthye and ſklaunderous/ that any man ſhulde do any ſuche thyng.

Last of all & for a conclusion consider, what and howe greuous punyssh̄ementes god dothe threten them with, whan he dothe require of them the kepyng of this lawes: ye and more ouer, how sore he hath taken vengeaunce, and hath punyssh̄ed the hethens, by cause they had contracte cursed mariages within these degres, and that before this lawe was made. And he dothe threten also lyke, and not a whitte lesse punissh̄ementes, vnto the Jues, and hethins, that professe the Jues lawe, if at any tyme they dyd cómitte like enormities. Forsoth if any man will wey well, and examin these foresayde thynges, religiously, and with good conscience, so as they oughte to be, howe shal he nat streight approue and allowe the conclusions and determinations of those Vniuersities, and to thynke certaynely, that it is forbydden bothe by the lawe of god, and the lawe of Nature, that any christen man shulde take to wyfe his brothers wydowe. For seynge that these prohibitions (as we shall here after more largely declare) were hallowed & founded by god hym selfe vpon the feare of god, vpon the treuthe, vpon iustice, vpon holy-

nesse

neſſe, and equite, and conſcience, on feyth, apon perfetneſſe and rygbtnes, and on charite/ and for to declare and open the knowlege of our ſynne/for to declare the knowlege of the grace and fre goodnes of god, for clennes/for comelineſſe/finally for good reaſonable and holy obedience/or ſeruice of god/and ſuche as ſhuld be to our lorde god pleaſaunt and acceptable/ what man, hauynge pure conſcience in his ſoule, doth not iudge ſuche forbidden mariages to be inceſtuous, foule, vncleane, abhominable, and a curſed before god and manne? And what man, ye though he were gouernour of all the holle worlde, if his conſcience pricked hym for ſuche inceſt, wyll not feare the terrible iudgement of god? Fyrſt/leeſt he ſhulde prouoke and brynge vpon hym ſelfe the vengeance of god/ as dyd the ſonnes of Cain, the whiche were drowned in Noes floudde, by cauſe they did foulyabuſe their ſyſters and their brothers wyues, as approued doctours do ſaye. Seconde, leſt he ſhulde be conſtrayned to flee his countrey, and his children/either to be diſtroyed or diſherited, lyke as the kynges of Canaan were ſerued/ and as it came in

tyme paste to the kynge Iechonias. Finally/leest that after this lyfe, he fall also into the tourmentes of euerlastynge punisshement. For here you se before your eies the sacre holy lawes of god/here you se the lyuely prophecyes, and wordes of excedynge vertue and strengthe, the whiche be more persynge, as Paule sayth/than any double edged sworde/whiche rometbe through, til they haue diuided the life and the soule/and haue deuided the ioyntes & the mary. whiche wordes, seing they be so playne and open, that if any man will adde and put any thinge vnto them/it shulde be ieopardie, leest he shulde be reproued, and founde false, and a lyer/accordynge to Salomons sayenge: Forsothe it becometh a christen harte more to regarde the wordes and auctoritie of god/whiche so doth forbydde/so hath in abhominacion, so dothe punysshe and reuenge suche matrymonie, that is contracte with the brothers wyfe/than any maner auctoritie of men, or any felicitie of this worlde, that shulde brynge a man to so great vice and vngodlynesse, to so great dedly remorse, and tearinge a sondre of a mans mynde and conscience. For

who

who doth nat vnderstande, that we ought rather to obeye god than man / and that bit shall be smalle profyte to a man, if he wynne all the worlde / and lose his soule. For if he lose his soule, he leseth his body also. And truely it is a heuy wynnynge / for the whiche a man leseth hym selfe: that is to saye / his bodye and his soule / into euerlastynge damnacion.

The seconde Chaptre.

Therfore all thoughe a good and a christen reder / after that he hath ones sene these sayenges of god / can not reasonably desire any thyng more to moue his cõscience / that he shud surely beleue, that he can nat breake this Leuiticall forbyddynges, that a man shulde nat marie his brothers wyfe, without greuous sinne / and transgression both of the lawe of god, and of the lawe of nature also: we neuerthe lesse wyll bringe forthe also wytnesse of the lawe of the gospell, suche as shall be thought to helpe for the clerynge of this matter, and also we shall shewe / what the sacre holy counsayles / and the

best

beſt lerned and mooſt approued doctours of the churche haue iuged in this matter. And firſt of al the auctoritie of ſaynt Johñ and ſaynt Paule doth maynteine and confyrme the ſentence of theſe vniuerſities.

The auctorite of ſaynt Paule, where as he gyueth his iudgement, that chriſten men, euen at this tyme, are bounde to kepe that other Leuiticall lawe, that a man ſhulde nat mary his ſtepmother, whiche law was made and publiſſhed in the ſame place, the ſame text, by the ſame ſprite, and the ſame ſelfe tyme, that this other law was, that a man ſhulde nat marye his brothers wyfe. And Paule calleth that vnclenlines or fornication, vtterly agaynſt Nature, and beaſtly, that a man ſhulde marie his fathers wife. Ageyn the auctoritie of ſaint Johñ is playn, where as he openly rebuketh Herode the kynge, ſayenge: It is not leful for the to haue thy brothers wyfe. For what ſo euer the interpretatiõ or vnderſtandyng of thoſe wordes is, whether they be vnderſtande of his brother beyng a lyue or deed: yet this thynge is ſure, as it is alſo ſene to great lerned men, that ſaynt Johñ dydde take thoſe wordes out of the Leuiticall

boke

boke. And by cause that those thynges, whiche he did saye, shulde haue the more auctorytie, strengthe, and vertue, he pourposely did rebuke and reproue the shameleſſe & inceſt life of Herode, not bi his owne wordes, but by the wordes of god. For it shulde haue bene to no pourpose, to haue layde any crime to kynge Herodes charge for this thynge, vpon any other cause / seinge that Herode was an alien and an heathen: and therfore was not forbydden by none other lawe, wherby he myghte not marye his brothers wyfe / ye and thoughe his brother had lefte. x. childerne by her. for as the prohibitions of the lawe Canon they were nat that tyme made / & the lawe Deuteronomi dyd bynde the Jues onely. wherfore seinge that this (no doute) moſt rightfull sentence of saint Johñ was giuen agaynſt kynge Herode an hethen man, generally and without any exception / lymitation / or distinction / nor bit is nat restreined vnto the wyfe of his brother lyuyng / or of his brother leauyng children, what other thynge shulde we thinke that saynt Jhoñ did meane? then that this Leuiticall lawe / that a man shulde not marie his brothers wyfe,

wyse, dothe indefferently belonge vnto all men / as well hethens as Jues / by cause it is merueilous agreable with naturall reason, and that all christē men are necessarely bounde vnto the obseruatyon or kepynge of the same, as well as they be to the kepynge of the cōmandement of god and of nature: For though we graunte / that Moses lawe was not taken a wey, specially amonge them / vnto whom the gospell was not yet shewed, vntyll suche tyme as the gospell / and this happy tidinges of Christ was publisshed and openly declared vnto them / yet all that euer is conteined in Moses lawe, as many as belonge either to iudgement / or to ceremonies, they were deed by and by and of no strength vnto them, which all redy did knowe, and did preache and teache, that Christe / grace / or fauour of god / and the gospel was come. And truly it is not reasonable to beleue / that Johñ wolde haue vsed suche witnesse, or that he wold haue shedde his bloudde, and haue died in the quarell, to maintaine the truth of those lawes / whose credence & auctorite he knewe well before, that they were allredy vanesshed a wey, & of nomore effecte,

or

or at leste, that they shulde ceasse and be take awey sone after. Furthermore Paule dothe greuously rebuke the hedes and rulers, and the comunalte of the Corynthes/ by cause they suffered one of the citye of Corinthe to be conuersante amonge them vnpunyshed, whiche beynge blynded, I wot not by what errour, parauenture by pretence of lybertie of the gospell, hadde take his stepmother to wyfe. ye and more ouer he dothe condempne the same selfe felowe vnto the most greuous punishemēt of excōmunication, not so moche by cause he had done agaynst the lawe / as bycause he hadde done ageinst nature, sayng/that is suche fornication, as is not euin amonge the bethens, whiche be led or ruled by the lawe of nature: menynge (no doubte) that nature dothe abhorre/that one & the same selfe flesh be/that is to sey the fader and the son/shuld haue to do with one womā/& by this it can not but be euidēt & clere to euery man / that seing Paule doth iudge/that this lawe of Moses/that no mā shuld mary his stepmoder, ought to be kept euē now amōge christē men. And seing that he doth openly sey/ that such fornication is vtterly

vnnaturall

vnnaturall and beastly/ where a man hath
a do with his fathers wyfe, that is to say/
with her that is nygbe vnto hym/ he se-
meth playnely to meane thus / that surely
moche lesse it is lefull for christen folkes to
marye women/ that be more nere of theyr
bloudde/and that al those thinges/ which
be rekened vp in the same Leuiticall lawe/
be (doubtles) in lyke maner forbydden/for
as moche as al those prohibitions be grou-
ded vpon one reason / that is to saye / by-
cause the man & the woman be one flesh be/
and therfore be agaynste the honestie and
shamefacednes or demurenes naturall.
And this same thynge is proued also ma-
nifestly by this, that the apostel in the same
place also, doth vse this worde of fornica-
cion, by the whiche worde not only he/but
also all the other apostelles/ all moste euer
more in their writynges/are wonte to com-
prehende all those vnlefull maryages/ and
foule couplynges, that be forbydden in the
boke Leuitical. For vnder the same maner
also Paule priuely and couertly dothe (no
doubte) condempne all those/which breke
these prohibitions of matrymonye / and
foule/ vncleane/vnlefule/and to god abho-
minable

mynable commixtiõs/ where he exhorteth the Ephesyens/ that no fornication / or vnclennesse, or fylthynes shulde be ones named or spoken of amonge them/and wheras/ he writinge vnto the Galates/teeheth them/that fornication/vnclennesse/ and lechery/be carnall workes. For saynt Hierome, declaring the same selfe place/saith: The first worke of the flesshe is fornicatiõ/ the whiche amonge the other. vij. vices is the mooste greatteste synne/bicause that by the vncleanes of the flesshe the temple or church of god/that is to say/the soule and the body of man, is polluted and defiled.

The seconde worke of the flesshe is called vnclenes/whom foloweth her companion lechery. For as in the olde lawe, where it is written of crimes and sinnes/that be nat to be spoken/whiche are done secretly/and it is a very foule thing euen to name them/ lest the mouthe of the speaker/and the eares of the herers shuld be defiled/all suche vyces the scripture hath comprehended them generally / sayenge: Make you the children of Israhell to be shamefacid and aferde of al vnclenes. Euen after the same maner the apostel, in this place also / doth

name and call all other extraordinary and vnlefull pleasures/ and also the actes that be done in mariage selfe vnclenneſſe and lecherye/if they be nat done with shamefacidnes and honeſtie/ and as vnder the eies and in the sygbt of god/ and onely bicauſe they wil take peyne, and do their duetie to bringe forthe childerne. For saynt Auguſtyne writeth, that lyke wiſe as vnder the name of theſte in the. x. commaundementes is vnderſtande all maner of vnlefull vſurpynge or medlinge with an other mans good: and vnder the name of adulterye muſt be vnderſtande forbidden al maner of vnleful medlinge to gether, and all maner of vnleful vſe of thoſe membres: So pleinly all maner of vnlefull couplynge or maryeng to gether of man and woman is called in ſcripture foulenes/ and all adulterie and fouleneſſe or foule, and vncleane marienge alſo, in ſcripture is called fornicacion. For al though, as Iſodore ſaithe, al men/ that do leudely abuſe theyr bodyes/ baue nat one wyll of theyr foule dealynge: yet howe ſome euer a man dothe pollute hym ſelfe by pleaſure of the bodye, all is called fornicacion. For of delyte and pleaſure of

doing fornicatiō, there come many & diuers foule lustes and vices: ageyne whiche the kingdome of heuen is shutte/and man deuided & departed frō god. Furthermore the apostels in the coūcell/ that they called & kept through the holy gost in Hierusalē, went about to pscribe & shew what poynt of Moses law they/that had pfessed Christes religion/& were become Christes men, shuld be boūd to kepe or to forbere; & they made a deere worde for word as here folo-weth. It is thought cōuenient vnto the holy goste, & to vs, that there shuld be no further burdon laide vpon you, than these necessary thynges/that is to saye/that ye abstein from contaminations of idols, & from fornicaciō, from eatinge of beastes/that be strangled to dethe/& from eatinge of bloud of beastes. In the whiche place doubtles they couertly/ vnder the generall name of fornicacion, dyd forbyd all maner of couplinge and mariage vnlefull and prohibite by the lawe/ and dyd prohibyte the selfe same thynge, whiche was vnderstande vnder the name of fornicacion/after the meanyng and entent of the olde law. For seing that they do forbid fornicaciō, euen so as it

is forbid by the rules and cõmandementes of the law/it can nat be/but we must nedes thinke/that here in this decre of the apostels/mariages vnlefull/contrary to the disposition of the lawe/be also forbydden. For of those mariages there was no nede for the apostels to haue made further constitutions/or newe prouisions for them. for that thinge that is nat changed, wherfore is it forbydden to stande? And seinge that these Leuitical lawes of god were nat chãged: it foloweth, that they dyd stande styll in their olde strengthe and auctortie: and by this reason the apostels had no nede to make a newe lawe/but forbyddynge fornication generallly/dyd forbyd all those vnlefull mariages/that god had forbydden before in the. 18. chaptre of the Leuitical. ¶ And therfore lette no man flatter and glose bym selfe/as though these cõmandmentes were light/or these reasons of litle weight or regarde/when that you se euidently/that they be great foũdacions and groundes of our feythe/layde by the holy counsaile of the apostels/and as ye wolde saye the stronge pyllers and vpholders of the churche/to dryue out fornicacion and

idola-

idolatrie: vnto the whiche thynge these fornicacions came verye nere. For euerye christian man doth perteyne vnto the churche or companye / for the whiche Christe / willingly gaue hym selfe to sanctifie it, and make it sacre and holy / and to purge and clense hit with the wasshynge of water through the worde of lyfe. And ageyne al we be membres & partes of Christes owne bodye, and we be of his bones. Therfore we had nede to take sure kepe / that no man with foule and vngodly mariages do defyle and pollute the temple or churche of our lordes body / wherin dwelleth the spirite of our lorde. For who so defileth the temple or churche of god / our lorde shall distroye hym. Wherfore me semeth / that it is declared manifestly inough by these forsayde reasons / that these prohybicions of mariage haue auctoritie and strength euen at this day / nat onely by Moses lawe / but also by the gospell / and by the ordynaunce of thapostels / and they be both of goddis lawe / & of the lawe of nature most hollely made / and euermore to be obserued and kepte / and at no tyme to be broken.

¶ Nowe to come to the doctours of the

churche. Tertulian/the most oldest writer of all that were sins the tyme of the apostels, is author and dothe wryte/ that this Leuitical forbyddynge/ that a man shulde not mary his brothers wyfe/was brought in/ taught/ and ordeyned specially and by name euen of Christe him selfe and his apostels/ bycause that all the holle churche and company of Christes faith shulde obserue and kepe it with all deuocion and reuerēce. For the same Tertulian disputeth agaynst Marcion vpon this poynt/ that Christ in the gospel dyd excuse rather then distroye Moses constitution of the lawe of diuorse/ or departynge of man and wyfe. This matter/saythe he/ of diuorse is nat here brought in sodeinly of Christe/ but it taketh his rote and groūde of that thinge/ that Johñ maketh mencion of. For Johñ did sore rebuke Herode the kyng/ by cause he had, contrarye to the Leuiticall lawe/ maryed the wyfe of his brother/ whiche was deed, and leste a doughter/ that he had of her. And therfore Johñ was caste into prison by kynge Herode, and afterwarde by hym slayne. Therfore saythe Tertulian/ that after there was mencion

made

made of Johñ/ and what ende folowed of hym/our lorde for an example of vnlefull maryages and adulterie dyd vehemently crie out vpon kinge Herode/sayeng openly and playnely, that euery man also was an adulter, who so euer dyd marye her/ that was departed frō her husbande/ that ther by he might make the vngodlines and abhominacion of Herode the more greuous and heinous/whiche had maried her/that was departed from her husbande/ as well by his deth as if she had ben diuorsed frō him/specially seing that his brother had a daughter by her/so that she was maryed vnto hym vnlaufully/ and hit were but for this thinge/bicause he dyd it by instinction and mocion of foule luste of the body/ and nat by instinction and mocion of the lawe/ and therfore slewe the prophet, which was the meynteyner of the Leuiticall lawe.

And the same Tertulian also writeth in an other place: Bycause, saythe he, that certayne persones some tyme do saye, that they haue no thing to do with Moses law/ whiche Christe doutles did nat take away/ but fulfylled and made hit perfecte, do some tyme take those thinges of the lawe/

that lyketh them, and make for their purpose: playnly we also say this, that the law is departed and gone, as touchynge this poynte, that accordinge to the mynde and sayenge of the apostels, the burdens of the lawe, whiche our fathers were nat able to beare, be vtterly ceassed and taken aweye. But as for those thynges that perteyne to Justyce and vertue, do remayne holle, nat onely reserued, but also amplified and increassed, so that our instyce and goodnes, whiche be christian people, shulde be mochе greatter and perfecter than the iustice of the scribes and phariseis, and be suche iustyce, as a very iuste man ought to haue. And our chastite likewise shulde excel and passe theyrs, and in no poynt be lasse than theyrs. Nowe bicause it is cōmanded in Moses lawe, that a man shuld take to mariage his brothers wyfe, that is departed without children, bicause he shulde stir vp sede, or gette issue to his brother: And bycause this thyng may happen often tymes to one persone, as that one woman may be maried to .vi. or .vij. bretherne, one after an other, for lacke of issue by the former brother, accordinge to the subtile question of

the

the Sadduces in the gospell: therfore some do thynke, that the ostennes of mariage is permysed also in other cases. But these men shulde haue vnderstanden first of all the reason and consideration of this precept & so they shulde haue well knowen, that this reason is nowe ceassed and one of the thinges whiche be nowe voide and of no strengthe nor auctoritie. For a man was bounde of necessite to marie the wife of his brother whiche was departed without chyldren: Fyrste bycause that as yet that olde blessyng of god: Increse you and multiply, ought to run forth and continue. Seconde by cause the children were punisshed for the fathers fautes. Thirdly bycause that the drye and baren persones were had for defamed persons: therfore an ordynaunce was made, that they shulde haue issue by other of theyr kynne, as ye wold say by a proctour and bigotten after the dethe of the father, bycause that they, whiche were departed without issue, nat by the faute of nature & by preuencion of deth shulde not therfore be iudged accursed and vnhappy. But nowe the blessynge of encresynge and multiplyeng bodily and

carnally is ceassed/bicause the worlde is at an ende. For the apostle inducetb & counsayleth vs/sayenge. There is no more, but that they also, whiche haue wyues, shuld be, as if they had none, bicause the tyme is shorte. And agayn, The soure grape that our fathers dyd eate/that is the sunne that they dyd/ doth no more stonyssbe, or set on edge, the tethe of the childerne. For euery man shall dye for his owne synne. And more ouer the baren nowe be nat all onely without infamy and rebuke, but also haue deserued thanke & fauour of god/being inuited and admitted into the kingedome of heuen. And therfore nowe this lawe, that a man shuld succede into his brothers mariage, or that he shuld marie his brothers wyfe, is nowe vtterly deed and buryed: & the contrary of this lawe hath place, that a man shuld nat succede into his brothers mariage, nor marie his brothers wife: And by this (as we said before) that lawe whiche is ceassed/ and is no more of strengthe/ by cause the reason of it is taken away or ceassed/can nat be a cõuenient prosse for an other thinge. ¶ Therfore seinge that these thinge] before said were writen of Tertulia/

at

at that tyme, whan the church had made very fewe lawes, or truly none at all, beside tho thigȝ, which Christ him selfe & his apostels had taught/it is plainly to be beleued that this law, that a man shuld nat marie his broders wife/came by the ordinance of Christ & his apostels/& that it was renued/cõfirmed/& declared/as ye wolde say, by a new conuenát & agremét & by a latre testamét, as a law very worthy to be obserued of al christian men for euer more, and that ought to be kept with al reuerẽce & religiõ. ¶ And that holy mã saint Gregory, whiche for his great lernynge and vertue was named Great/ dothe greatly confirme the same thinge/whiche whan saint Augustine the byssh hop of the Englyssh men, had in tyme past writen to him for counsell/ whether two brothers germayn myght marie ij. sisters/which were descended of a stocke farre from them, he answereth, that this thinge in all cases was lefull to be done, by cause there is nothinge foũde in holy scripture/that is thought to speke ageynst this poynte. And agayne/ whan he was asked of the same byssh hoppe/vnto what degree Christis faithfuls might marye with

their

their kynsewomen/and whether it was lefull for them to marie with their stepmothers/& with their brothers wiues/whom at that tyme they called cosyns/he answered in order to both two questions in this maner. There is a certayne erthly and worldly law within the dominiō of Rome/ that the sonne and daughter of brother and syster/or of two brothers germayns/ or of two sisters/may be maried to gether. but we haue lerned by experiēce/that ther coulde neuer issue come of suche mariage/ and the holy lawe of god forbyddeth vs to discouer the foulenes of our cousyns. wherfore it muste nedes be amongest faithfull or Christian people, that if they, that be of kynne, will lawfully mary/that they be in the thirde or fourth degre of kynred. For they, that be in the secōde degre/whiche we spake of before, maye in no case be maryed to gether. And as for a man to be maried with his stepmoder/it is a greuous synnne. why so? bicause it is written in the lawes of god, thou shalte nat discouer the foulenes of thy father. For although the sonne can nat discouer the foulenes of the father: yet bicause it is written/The man

and

and wife ſhalbe two in one fleſſhe or bodye doutles who ſo ſhall preſume to diſcouer the fouleneſſe of his ſtepmother / whiche hath ben one fleſſhe and body with his father / he in dede doth diſcouer the foulenes of his father. Ageyn, it is forbidden by the Leuiticall lawe, that a man ſhulde myngle or marye with his coſyn, that is to ſey his brothers wyfe, bycauſe that ſhe / being ones ioyned with the former brother, is made his fleſſhe: and for the ſame thynge ſaint Jhoñ Baptiſt loſte his heed, and by an holy martyrdome was brought to his ende. Vnto whom it was not ſeyde / that he ſhulde deny Chriſte / yet he was ſlayne for confeſſynge Chriſte. But bycauſe our lorde Jeſus Chriſte had ſayde: I am the treuth / ſaynt Johñ truely ſhed his bloud for Chriſte / by cauſe he was ſlayne for the treuth. But bycauſe there be ſome amõge the Engliſſhe people / whiche whyle they were yet infidels or vnfaythfuls / as it is ſayde / haue myngled them ſelfe by ſuche abhomination, and not to be ſpoken mariages / they muſte be warned / whan they come to the faith / that they abſteyne and forbere their carnal pleaſure betwene man

and

and wife, and that they beleue and graũt that it is a greuous sinne to vse it. let them feare the terrible iudgement of god / lest for a lyttell carnall pleasure they falle into the tormentes of euerlastinge paynes.

¶ Nowe reder marke diligently with me these wordes of saint Gregory, & consider me here in his writinge. iii. or. iiii. thinges. Fyrst that the most holy & most excellẽt lerned doctor, both in the law of god, & of mã vtterly & plainly affirmeth, these Leuitical lawes, that a mã shulde not mary his brothers wyfe, with the other / to be of suche auctorite, that he saythe openly, that they be the very lawe of god. Secõde, that the same lawes be nowe at this tyme of suche auctoritie & strengthe / that it is not leful in any case to contracte matrimony contrary to that is forbidden in the same. Thirdly, that the occasion of saynt Johñs martyrdome was this / bicause he wold meinteyn & vpbold the truth & auctorite of the same lawes ageinst Herode the king / which had maried his brothers wyfe. Fourthe, that the mariages / which certain englisshe men had cõtract with their broders wiues / and that euen before they had taken the fayth

vpon

vpon them/to be so vnlesul/& not to be spo-
ké,that they could not without dedly sinne
rendre their duetie of mariage one to an o-
ther/nor yet abide stil in thesame mariag:
the whiche thing truely we thynke ought
not lightli to be passid ouer. For ones saint
Paule biddeth and cõmandeth,that they,
whiche be laufully maried/ shulde nother
be diuorsed/ nor yet the ton to deny the to-
ther the right & dutie of mariage. Agein,
saint Gregory had graũted licẽce vnto the
said englisshemen/that they might cõtract
matrimoni in the.iiij.degre/& that mariage
cõtract in the.iiij.degre shuld nat be brokẽ.
wherfore these thingis cõsidered/it must ne
des be/that there was doutles some great
cause/why saint Gregory wold nat admit
or suffre such mariages/as the englisshmẽ
had cõtract with their brothers wiues/ at
the lest wise to haue suffred them by a dis-
pensation or lycence, if it had ben lesull to
haue dispẽsed with thẽ. And truli ther lac-
ked not causes,which ought to haue mo-
ued him for to haue dispẽsed with thẽ: As
bicause of the faith of christẽdom/ the whi
che some freill persons had leuer pauẽture
vtterly to forsake and renoũce,thã to haue
departed

departed from their tenderly beloued wyues/as the tymes were than in the begynnynge of the faith. An other cause shulde haue ben this/that they had boũde them selfe by maryage before the wasshynge of baptisme/ at the whiche tyme there were no lawes wrytten, by the whiche the heathens were forbidden from suche mariage of their brothers wyues. But this moste holy and moste wyse man thought/that in all and before all a man shuld regarde the commaundement of god. And he wolde nat be author nor causer to no man for to breake that lawe. He sawe, and playnely dyd iudge/ that he, whiche had maryed his brothers wyfe, hath done contrary to the principal cause of mariage/and against the naturall inclination of man/whiche he hath to haue issue and posterite/ bycause that god saith: He that marieth his brothers wyfe/shall dye without children. he sawe that this is plainly an vngodly dede/ abhominable before god and man/and also ageynst the nature of man/ and as nygh as can be vnto the nature and lyfe of beastes. He sawe/howe greuous punisshment is abiding them/which haue defiled them

selfe

selfe with this foule synne. Therfore he iuged/that nother peace/ nor yet faith and christendome, nor any other thinge in this worlde, beside forth, is of suche vertue and goodnes, that it is able to recompēce and weye out the malyciousnes of this dede. He wolde nat than that suche mariages shulde stande styll and remayne/ or be called/or so moche as be thought to be mariages: but he wolde rather haue them broken and vndone/ and dyd commande/that as many as had intangled them selfe with suche mariage/shuld be admonisshed and warned/ that if they wolde professe Christes religion/ they shulde from thens forwarde absteyne and forbere from medling the one with the other: If nat/they shuld haue for theyr carnall pleasure/ the tourmentes of euerlastyng punisshment.

¶ Furthermore reder there be other byssshops also/whiche in tyme passed were in very dede greatteste and bygheste/ nat onely for their lerninge and wysedome/ but also for the holynesse of theyr lyfe/ that maye clerely teache the/that these Leuitical forbyddynges of mariage haue in them the auctoritie and maiestie both of the lawe of

god and of the lawe of nature/and that by very good rygbt and reaſon. Amonge the whiche Popes be princypally / Calixtus/ Zachary/and Innocent/the reſidue we will not ſpeake of. For Calixtus/ when he was aſked why the maryages of kynsfolke were iudged to be vnlefull/ he anſwereth: Bycauſe/ſaith he/that both goddes lawe/ and mans lawe/ hath forbydden them.

And truely goddes lawe dothe nat onely caſt out the childerne/ whiche were gotten in ſuche maryages / but alſo dothe calle them accurſed: and the lawes of manne do calle them infamed perſones / and do putte them backe from their fathers herytage. Further Pope Zachary aunſwereth in this maner vnto Theodore the byſſhop of Tycin or Pauy, aſkynge counſayle of hym / whether that the god doughter might be maryed with the naturall ſonne: Thy holy brotherheed, ſaythe Zacharie, knoweth right well, that our lorde did cõmande Moſes, ſayenge: Thou ſhalte not diſcouer the foulenes of thy father, or mother, or ſyſter: for it is thyn owne foulenes. Seinge therfore that we are cõmanded to abſteyne from our owne kynrede carnall/

moche

mache more it is cõuenient, that we ſhuld with all ſtraytenes beware of her / that is our faders doughter ſpiritual. which place the gloſer expoũding doth argue / that the Pope / al though he wold / can not diſpẽſe i the .ij. degre of cõſanguinite / nor yet i the .ij. degre of the fyrſt maner of affinitie. for the ij. degre of cõſanguinite and of this affinite hath his beginning of the lawe of nature. And agayne bicauſe the ſame degre is forbidden expreſly in the old teſtamẽt of god. ¶ Furthermore holy Pope Jnnocent the third alſo / when the king of Hungary had cõplained vnto him of the biſſhop of Quiecleſienſe / that he ſhulde haue miſuſed him ſelfe with his owne nece / he wolde gyue no eare to ſuche cõplaint. For who, ſayth he, can lyghtly beleue, that the byſſhoppe of Quincleſiẽſe wold be turned to ſo ſhameful paſſion / that he wold cõmit abhominable inceſt with his owne propre nece, ſeinge that euen after the myndes & ſayenges of the hethens, the lawe of nature dothe not ſuffre, that we ſhulde ſuſpect any greuous crime betwene ſuche perſons. ¶ And the ſame Pope alſo, folowynge the holy conſtitutions of the emperours in this poynt,

For the same consideration / dyd make a lawe / that prestes mygbte kepe theyr moders / their doughters / and their sisters germayns within their houses.

¶ Furthermore the same Pope / when the archedeacon of Byturs sent vnto him to knowe / whether that wyfe / whiche was departed from her husband without iugement of the church / bicause her husbande and she were in so nygh degree of kynred / that the sete apostolike coulde nat / nor yet was nat wont to dispense with it, ought to be restored agayn to her husbande / answereth on this maner: This woman / sayth he / which doth knowe the kinred betwene her husbande and her / specially in those degrees / whiche be forbydden by the lawe of god / can not haue to do carnally with this her husbande without deadly synne. For all that is not done with faythe and good conscience / is synne: and what so euer is done agaynste our conscience / dothe bylde to bell warde. And therfore it were but foly to yeue iugement in this case / that this woman shulde be restored agayne to her husbande, by cause she oughte not in this poynt to obeye the iudge contrarie to

god

god/ but rather ſhulde mekely ſuffre to be excommunicate. For if ſhe ſhulde be reſtored agayne vnto this man/ there ſhulde ryſe a marueylous perplexe and intricate difficultie. for ſhe ſhulde be bounde to do her duetie to her huſbande/ bycauſe of the iudges ſentence, and agayne ſhe ought not to do it bycauſe of her owne conſcience/ ſeing ſhe knoweth/ that ſhe is of his kinred. And ſo it ſhulde come to paſſe/ that they ſhulde be greuouſly combred/ and a ſnare ſhulde be ſet for them both/ to bring them to helle/ ſeynge that they can nat carnally come to gethers/ nor yet be maried the ton with the other. Therfore/ ſeythe he, as often as kinred is obiecte within the degrees forbidden by the law of god/ it is thought beſt/ that iudgement be gyuen/ that reſtitucion be made as concernyng al other thinges/ but as concernynge bedde and carnall medlynge/ reſtitucion muſt vtterly be differred/ ſeinge it is better for bothe parties to be diſcharged in their conſciẽce vnder this maner/ than by the other wey to remayne in charge and cumbraunce of conſcience. And Innocent doth cõfirme in the forſaid place this iudgement of his/ by dyuers

reasons, fyrst by the answeres of two Popes/ Lucius and Clement, of the whiche the one vtterly denieth/ that there shulde be made any restitution in the forsayde case, and that they oughte in any wise to knowe of the exception/ that is/ whether they be in suche degre of kynrede or no, before they come to the article of restitution, wherby she shuld be restored home again to her husbande.

¶ And the other Pope, all thoughe he graunt, that she shulde be restored/ yet whan that is opteyned, he thynketh his is not lefull for the manne/ whiche dothe knowe of his kynrede betwene hym and the woman, nother to paye the duetie of mariage ageynste his owne conscience, nor yet that he can require the same of the woman, Bicause, saythe he, if he shulde do it/ he buyldeth to hell warde: no more then he can, that is maried to his kynswoman & hath knowlege of his kinrede/ although there be no questyon nor doubte moued vpon his maryage, but onely his owne knowlege and conscience.

Further.

¶ Furthermore Innocent confirmed his sayenge by a commune opinion and determynacyon of the Canon lawes / by the whyche doubtlesse hit is determyned / that in degrees of kynrede / forbydden by the lawe of god / there shulde be no waye to restytution / by cause that in those degrees there canne be no dyspensacyon: But in those degrees / the whiche be forbydden by the lawe of manne / there maye be fulle and effectuall restitucyon / bycause in these degrees there maye be dyspensation. Nor he dothe not synne / whiche in this artycle dothe paye the dette of maryage at the commaundement of the Churche.

¶ And trewely manye other thynges there be wrytten of the same holye man, for this pourpose, in other places: but our boke wolde growe to an excedynge greatte volume, if we shulde wryte them all. And these thynges, that we haue shewedde, gentyll indyfferente reder, do clerelye open vnto the / what these good Popes haue determynedde vppon these Leuitycall prohybytions of matrymonie /

whiche is this/that they do bynde of necessite/bycause they be both of the lawe of god/ and of Nature/ so that they iudge/ that they ought of necessite to be obserued both amonge christian folkes/and amonge infidels and the vnfeythfuls.

¶Now besyde al this/ we shal proue the same by the auctoritie of holy counsayles. For doubtles in the counsaile of Tollet it is decreed in this wyse: we decree/ that no faithfull man shall desire to haue any nere kynswoman of his to be maried vnto him/ bycause it is wrytten in goddes lawe: No man shal come nye her/that is next of his bloud to discouer her foulenes. And hit is written agayne: Euery soule/that shall do any of those thinges, shall perysshe from the middes of his people.

¶And in the coũsayle of Agathe it is ordeyned in this maner: we reserue vtterly no maner of forgyuenes nor perdon/ nor dispensation/ for inceste maryages/ but we wyl in any case/that they be punisshed, excepte onely they beale theyr adulterye by departynge the one frome the other. For as for inceste persones/we iudge them nat worthye to haue any name of maryage,

seyng

ſeynge it is a deadly thynge euen to make any token or mencion of ſuche perſones. And we iudge them to be inceſt perſones/ whiche by carnall medlynge haue defiled his brothers wydowe/whiche was in maner his ſiſter before/ or he that hath taken to wyfe his ſyſter germayne/ and he that hath maryed his ſtepmother. &c. All theſe perſones we doubte not but they haue ben before time, and by this our conſtitutiō be, inceſt perſones: and we commaunde, that they abyde and praye amonge them that be yet vnchriſtened, and but onely lerners of the chriſtian faythe/ and not to come amonge chriſtian folke/tyl they haue ſufficiently repented them ſelfe, and amended that they haue miſdone.

¶ Furthermore in the counſayle of Neoceſar/ and in the Synode of Gregory the yonger/ it was decreed, accordynge to the wordis of god, that a woman/whiche had ben maried to. ii. bretherne, ſhulde be put backe from communion, and from receyuing the ſacrament vntyl ſhe dye. And a man that had maryed his brothers wyfe ſhulde be an anathema, in the whiche ſynode al to gethers anſwered an anathema

be be/that is as moche to seye/ as damnacion to euerlastynge dethe.

¶ Last of all, and for a conclusion / that sentence of wiclysse, wherin he dyd holde that the prohibicions of matrymony, writen in the Leuiticall/ be onely iudiciall preceptes of Moses, & therfore the causes of diuors brought in by the meane of kynred & affinite/to be brought in without groũde and foũdaciõ,and onely by the ordinaunce of man / was dampned as contrarye to all vertue and goodnes, as hereticall,and expresly agaynste holy scripture, in the great conuocation, that was had fyrste at London/and after at Oxenforde/& last of all in the counsaile of Lonstance.

¶ There be decrees of other counsailes and aunswers in writynge of other of the Popes, whiche do subscrybe and agree to these forsayde determinations / of the whiche thou shalte synde verye many in the Popes lawe/ bothe in the boke of decrees/and of the epistols decretalles also: but we truste/ gentill and indifferent reder, that these forsayde thynges shall fully cõtent the. For thou seest here fyrste of all,in maner an hole commune assent and agre-

ment

mente of the holle churche / and furthermore thou seest the Popes them selfe do gyue so great maiestie and godly auctoritie vnto these Leuiticall prohybicyons, that they do playnely affirme and holde stedfastly, that who so euer do marie contrarie to the cómandement of these lawes / be not in very dede man and wife, nor they can not haue to do carnally to gethers, without deedly synne, and that they may departe in soundre without any ingement or decree of the Churche / and that they nother can nor oughte to be compelled by any iudgement of man, eyther to require or to perfourme the vse and custome of maryage one to an other. Thus say the Popes, and bit is to be thoughte and beleued, that bothe they dyd knowe the compasse of theyr iurisdiction / and what they were able to do, and that they had wolde rather to haue encreassed and amplifyed theyr power and auctoryte, than to haue restrayned bit and made bit lesse. And reder thou seest / that they leye none other cause berof / but onely this, that is bicause none auctorite of man can extend or stretch

so

so farre/that it may releasse by any dispensation the forbyddynges of god.

Wore ouer thou seest/ and excepte we be deceiued/thou dost grant and confesse also/ that these decrees and lawes of these Popes and counsels, vpon the mariage of the brother with the brothers wyfe/is plainly none other thynge then a publishyng and sendyng out of the lawe of god, and of the techyng of the apostels, & no newe lawe of their owne inuention or making. For they do neuer so forbydde suche maryage/ as though hit had ben lefull before tyme/ but onely rehersynge vnto vs the olde lawe of god,and the receiued or approued custome and vsage of the churche. And that there hath ben suche a custome and vsage euen from the first begynnynge of the churche/ and that it hath ben obserued before there was any Popes law/it is euidētly knowen by the wordes of Tertulyan/ whiche we haue before rehersed.

Finally to make an ende thou shalte vnderstande/gentill reder/ that the requestes and sutes of diuers persons/ whiche haue desyred dispensacyons in these degrees/ haue many tymes heretofore bene denyed

and

and repelled by the Popes of Rome, whi-
che answered them thus: It is nat in any
case lefull for vs to dispense with the lawes
of god. And this we shall shewe you here
after. Nowe seinge then that very natural
inclination doth moue vs vnto the obseru-
tion and kepinge of these forbiddinges, se-
inge reason doth leade vs, honestie stirreth
vs, fere of god, and loue of god and of our
neighbour, goodnesse and vertue doth de-
sire vs/the cõmodites and benefites/which
come by the encrease of loue and charitie,
do coũsaile vs to the same: And seing that
god, moste best and almighty, made these
lawes hym selfe, and that the consent and
agrement of all people hath approued the
same, finally seinge that the same selfe fyn-
ger of god/whiche is the holye spirite of
god, whiche cõmanded these probibicions
to be writen in the Leuiticall boke/doth ra
tifie and confirme the same probibitions/
bothe in the godspel of Christe, and in the
wrytynge of his apostels, and also in the
sacre holy counsailes of the churche/ruled
and gouerned doubtles by the holy goste:
And seinge they be cõmaunded of necessite
to be kepte of all christian people/it can not
be

be, but that the sentence and determinatiõs of these vniuersities is of as vndouted credence and auctorite, as can be, where they saye, that to mary her that is lefte of his brother / dyenge without chylderne / is so forbydden / both by the lawe of god and of nature / that the Pope is not of power to dispense with any suche maryages, whether they be all redy contracte or elles to be contracte.

☙ The thyrde chaptre.

AND thus we thynke, that we haue well and sufficiently confirmed and stablished our intent and purpose by the Popes lawe / and by the auctoritie of counsailes. Nowe next we will go aboute to fortifye and make good the same by the moste excellent and most faithful interpreters, and most true doctours / that expoũd holy scripture. Amonge whom Origen cometh firit to our remẽbraunce / for he expoũding the .xx. chaptre of the Leuitical doth declare at large this sentence of god, kepe

Kepe you all my commaundementes and my iustifienges, and my iugementes: it semeth saith be, requisite and necessary, that we shewe, what is signified by euery one of these wordes, and truly (as farre as euer I coulde perceiue) a precepte or commandement is, As for an example that, whiche is sayd in the. x. commandementes: Thou shalt not slee, thou shalte not do none adulteri. for this is only precept or cõmáded, but there is no punisshemét put to, for the breking of it. but nowe these same selfe preceptes or teachynges be rehersed agayn, but here penalties be putte to them. For in this place it is sayde: what so euer man cõmitteth adultery with a mans wyfe, and with his neyghbours wife, lette them dye, both the man, that doth adultery, and the woman, that he doth it with, and he that shal slepe with his fathers wyfe, and shall discouer the foulenes of his father, bothe two lette them dye, for they be gyltie and deathe worthye. There were preceptes or reules gyuen alredye of these thynges before, but there was not putte to, what punysshement he shulde haue, that dydde breake them: Nowe therfore these same

same thinges be reherſed agayne/ and the penalties of euery treſpas is ſet. And therfore theſe lawes may well be called iuſtifinges and iudgementes/ by the whiche he, that doth ſynne, or breketh the cõmaundement, is iudged to receyue/ that is iuſte for his treſpas. But beholde the order of the godly wiſedome. god doth not ſet punyſhement by and by at the fyrſte/ as ſone as he had yeuen the preceptes or rules/ howe men ſhulde lyue. for he wyl haue the kepe the preceptes of thy father/ and to do as thy father wylleth and byddeth the/ not for feare of puniſſhement/ but for loue that thou haſte to vertue and goodnes, and to thy father. But if thou diſpyſeſt to do as thy father teacheth the, than there is a cõmandement, that thou ſhalt be puniſſhed/ not bycauſe thou arte a man, ſo moche, as bycauſe thou art a contemner and diſpiſer of thy fathers teachynge. Therfore fyrſte of al thou art prouoked and moued by gentylnes and fayre meanes, as a chylde. and Dauid teſtifieth, that we be children/ whe he ſayth: you al be goddes, and the children of hym that is bygheſt. that if thou wilt not be obedient like a good childe, but

wylte

wylte be a transgressour and a dispiser of thy fathers teachynge / thou shalte be punyssbed lyke a bonde man. After this he saithe furthermore. And if any man shall slepe with his doughter in law, his sonnes wyfe / let bym dye, both. ij. haue cõmytted impiete or abbominacion, and they be gyltie and deth worthie. These lawes and preceptes god had gyuen before without any punyssbmentes or penalties. For he had sayde: Thou shalt not discouer the foulenes of thy sonnes wyfe / and all the other preceptes that there do folowe. And this place lyke wyse there he putteth withoute punyssbementes / but here he hath put bit with dyuers kyndes of punyssbementes. And in the ende, where he speaketh of the same Leuitical probibitions, at the last he maketh this cõclusion. Therfore it is good saythe he, to take good kepe / leste at any tyme we reuerence our carnal fader, or our father of heuen with lesse honour than we ought, and they deserue. And like wise bit is good to obserue / & honour our mother, and also to obserue and kepe all other such cõmandemẽtes, what so euer they be, that commende to vs shamefacidnes, clennes,

and chastite, to thentent that we shuld folowe/ and lyue accordyng to the same/that we shulde nother accordynge to the carnal lawe of Moses/ be in daũger of deth here in this present lyfe/ nother after falle in to the punyssheme̅t to come, of euerlastinge fyre of helle/ after the spirituall lawe of the gospel. ¶And lyke wise Chrysostome dothe agree with this sayenge of Origen, where as he doth stiffly and playnly hold, that fable ⁊ tale/ that the Sadduces made vpõ the womã/ that they said was maried to.vij. brothers/ to be but a fantasy, and a thing fained and imagined: For the Jues, saith he/ be such men/ that we se them euen nowe at this tyme to be mightily afferd to marie with their brothers wyues, bicause/ as you wold say/ they thynke surely there shulde some mischiefe come of it. And not withstanding that the law shuld constrain and binde the Jues to mary their brothers wiues, yet for all that we se them often tymes lyttell regarde it/ and make lyghte of bit/ and not to do bit. wherfore Ruthe/ a womã also of Moab, was driuen to mary with one of her kynne/ whiche was verye farre of. And Thamar was constrayned

to

to disguise her selfe in a common womans apparell, and to steale seade of her father in law. ¶ Also Basilius the great/is of the same sentence and mynde/that these other two foresayde doctours be: whiche wrote vnto Diodore the byssh hoppe of Tarsus on this wyse: There be come to my handes certayne writynges/ whiche be sente out vnder the name of Diodore, but the thyngs that were cõteyned in them/were like to be any other mans writingis rather thã Diodors. But me semeth/ that there is some craftie felowe/that hath put vpon him thy persone/ that by this meanes at the lest he might misuse the auctoritie of thy name, to gette hym credence, and to be beleued of his herers and schollers. For this man that wrote this thing, whan he was asked whether it was lefull for a man, whan his wyfe was deed/ to marie his wyues syster, dyd nat abhorre this question/in so moche that he suffred to here it with a very good wyl, and dyd study and labour to promote and sette forwardes this lust, whiche is to shameles/to wanton/to foule & vncleanly. And if I had those same wrytynges with me/I wold doutles now or this time haue

sent them to the/bicause thou mightest so-
cour and helpe both thy selfe and also the
treuth. But bicause the same man/whiche
brought the writinges,caried them by and
by away with him again/and afterwardes
bore them about with him/shewyng them
in euerye place/as thoughe he had gotten
the victorie of vs/whiche before tyme had
forbydden suche maner of maryages/ and
dyd booste/that he had this licence of vs in
writing: I determined to write vnto the of
this thinge, to thintent that we shulde of
both handes go about to reproue this ima
gined tale/and falsly forged sayenge of this
felowe, to shewe that it is nothynge but a
sterke lie/lest it may hurt them, into whose
handes it shal fortune to come. And truly
firste of al we may leye ageynst him the cō-
mune custome,and suche a custome, which
by ryghte and reason is as stronge as any
lawe/bycause it is no newe thing,but hath
continued of longe tyme,and was brought
vnto vs/nat by eucry body/but by the holi
fathers, and the custome is this: That if
any man, ouercome with a shameles and
an vnclenly affection & lustynes/ do fortune
to ioyne so vnlefully,that he coupleth him
selfe

ſelfe by mariage with. ij. ſyſters/this man is iuged nother to haue contracte any mariage/and that he muſt not be admitted in to the cõmunion of the churche/or to come into the company of chriſtian folke, before that they haue broken this ſo vnleful couple or bõde/ & be departed the ton from tother, in ſo moch that if we had none other thinge in this matter/ to kepe awey this ſo great a miſchefe, only the auctorite of this cuſtome were ſufficiẽt. But bicauſe who ſo euer wrote this epiſtle/ went onely aboute this thinge, to bringe in to the maners of men ſo great a peſtilence & corruptiõ by colours of argumentes/by a craftie and ſubtile reaſon: it ſhalbe neceſſarie alſo for vs, not vtterly to abſteyne from the ayde and helpe of reaſons. how be it in thinges that be very plain and wel knowen/ the opinion that men haue conceyued alredy/ and that doth appere to haue bene receyued by the opinyons and myndes of holye men, in ſo moche that there is a cuſtome brought vp by the ſame: ought to be of more weight & regarde with euery man, than that thyng, whiche reaſon inuented and imagined afterwarde/ ſhulde be of power to perſuade.

It is written/saye they/ in the Leuiticall. Thou shalte nat take the syster of thy wyfe, beynge yet a lyue, to cause them stryue/ whiche of them shall be beste beloued and mooste sette by/ for to discouer her fouleneſſe vpon her. By the whiche wordis it is open/sey they/that it is suffred to take thy wyues sister/whan thy wyfe is deed. wherynto first of all I answere and say this:what so euer the lawe saith/ it speketh to them,that be bound to kepe the law as to the Jues/but not to vs/ that be christē folke. For by this meane we shulde be bounde to be circūcised/ to kepe the sabbat or day of rest/and to forbeare and absteine from meates. For we shuld not submit vs & binde our selfe to the yoke of the bōdage of the lawe,where as we finde any thinge, that doth agre with our apetite & plesure/ and when there appereth any thing in the lawe/that is heuy and hard, and contrary to our pleasure and appetite/then to ronne to the libertie and fredome/that Christe in his godspell and lawe hath set vs in. But if any man aske this questiō/whether this thing be writen in the lawe or no? whether a man that hath maried the one sister may

also

also marie the other: I saye for a suertie/ that whiche vnto vs is bothe manifest and true/that there is no suche thinge writtē in the law.for a thyng that is not expressed in the text or letter/but it may be gethered of the wordes/ that the lawemaker meaned so/if suche a thynge be brought in by maner of a reason/ as that must nedes folowe of that is sayde there/ though it be nat expressely wrytten/ to saye whether the lawe maker meaned thus or no/this is a poynt that belongeth to the maker of the lawe selfe to determine/and nat to hym, whiche is desired to telle,what is expressed in the scripture.For els if euery má may say,that this was the lawers mynde/& thoughe he spake it not, yet he vnderstode it,& this he did mene,as of the wordes may wel be gethred: thá if ther be any má of so vngodly audacitie/& wicked boldnesse/whiche/euen while his wyfe is alyue/ wold haue her sister to his wyfe,he shall not lacke/wherby he may proue that he maye lawfully do it/ by a like glose & distinction. ye & no doubt herof/for the scripture is this:Thou shalt nat take thy wyues syster, while thy wyfe is a lyue, for to make stryfe and debate

betwene them/ whiche of them ſhulde be better loued. Of this it foloweth, and ſo the lawemaker ſhuld ſeme to meane, that if there be no ſuche ſtryfe for preeminence of loue betwene them, thā it is not forbid, for a man to be maried at ones to. ij. ſiſters. For be that wyl ſet his minde vpon his luſtines and pleaſure, wyll holde ſtyffly, and ſay/ that it is nat poſſible, that any ſuche emulation or ſtryfe ſhulde chaunce betwene ſyſters. And by this meane, ſyns that the cauſe is ceaſſed and gone/ for the which the mariage of. ij. ſyſters vnto one man is forbydden: what nowe can let, that it ſhulde not be lefull for any man to haue at one tyme. ij. ſyſters to his wyues/ if we wyl admit ſuche facion of reaſoninge in ſcripture?

¶ But thou wylt ſay to vs, this reaſon that we make nowe/ is not in the ſcripture: we graunt and ſay like wiſe agayne to the/ no more is that reaſon determined and certeyned by ſcripture/ by the which it ſhuld be proued of the contrary parte/ that it is lefull for a man to mary. ij. ſyſters. For the inuention and gloſe/ by the whiche bothe the parties ſaith, that their intēt and purpoſe doth folowe of the ſcripture, though

it be

it be not expreſſed in ſcripture, is all of lyke on the one ſyde, and on the other/and gyueth aſmoche lybertye and lycence to do nought̄li with as moche impuniſhmēt the tone gloſe as doth the tother. But a man ought dilygently to haue conſydered the preceptis that go before/and then he ſhuld haue had no nede to haue taken all this labour and payne, for to inuente and imagen additions to ſcripture on this maner. For it appereth, that the lawemakers mynde was not to ſpeke generally in thoſe lawes of all maner of ſinne/ but to forbyd ſpecially and onely thoſe vices / the whiche were commonly vſed amonge the Egyptions/ from whens the children of Iſraell came/ and alſo that were ſpecially vſed amonge the Chananees , into whoſe lande they were goinge at that time. For in this place of the Leuiticall the very texte of the ſcripture is thus written, worde for worde, as foloweth: you ſhall not do, ſayth god/ after the cuſtome of the lande of Egypte, where you haue dwelled, nor you ſhal not do after the maner and vſage of the region of Chanaan/ in to the whiche I ſhall bringe you/ nor ye ſhall not lyue after their

lawes / nor folowe ſuche thynges as be lefull amonge them. In ſo moche truly / that it is very likely / that as yet there had ben no ſuche piacull or abhominacion comitted amonge thoſe nacions. And therfore it was thought, that there neded no lawmaker / nor lawe to forbid that kinde of ſynne / that was not vſed: but that the cuſtome / vſed of longe tyme amonge them / ſhulde be ſufficient to make men abhorre and deteſte ſo great a vice.

¶ Howe is it then / ſeynge he forbyddeth the greatter vice / that he ſpeketh not alſo of the leſſer? doubtles by cauſe he iudged, that there ſhuld come many / which wold be geuē to pleaſure, and wolde folowe the myſcheuous example of the patriarche Jacob / that maried his wyfes ſyſter, and wolde mary with theyr wyues ſyſterne, ye and that theyr wyues beynge a lyue.

But nowe what ſhall we do? whether ſhal we confeſſe and graunt thoſe thinges, that be written? or ſhall we apply our wyt to be ſomwhat curious, and to ſerche out thoſe thynges / that be wrapped vp in ſilence? It is not prouided fore, here in this lawe, that the father and the ſonne ſhulde

not

not vse one harlotte: and yet the prophet iudgeth them worthy of as greate rebuke as may be, where he saythe: Lo the father and the sonne go to one woman. Fynally howe many and diuerse kyndes of synne hath the crafty dyscipline and scole of the deuell inuented, the which the scripture of god passeth ouer in secretj & syléce, and that for this cõsyderacion and intent, by cause the scripture of god suffereth not her honourable and reuerende maieste to be contamined and disteyned with the names of so fowle vyces, but scripture comprehendeth all maner of vnclenlynes vnder generall names. Lyke wyse as Paule the apposthle, vnder this one general worde vnclenlynes, comprehendeth all maner of vnclenlynes, & not to be spoken impurites of man and woman: where as he sayeth: Let nother harlottry, nor fornicacion, nor yet no maner of vnclennesse, be ones named amonge you, as it besemeth saintes. So by this we may se, how true it is, that the sylence of scripture can not helpe vs, that we shulde haue lybertie to fulfyll our fylthy pleasures.

¶ Now be it we iuge, that the lawmaker did

did nat vtterly holde his peace in this mat ter/but that he hath forbidden this thing as diligently and as vehemently,and ſtreit ly as can be. For ſeing he ſaith: Thou ſhalt not approche to no woman, that is nere of thy fleſſhe and bloudde/to diſcouer her foulenes or priueties: This ſayenge dothe comprehende alſo our kynne by affinitie. For what kynne can be more ſurely knyt, or more nere to a man/than his owne wyfe or to ſpeake better, than his owne propre fleſſhe or body? For nowe they be no more two bodyes/but one fleſſhe or bodye. And for this cauſe hit is not laufull in any caſe for the wyues ſiſter to approche vnto her ſiſters huſbande,which is nere of her kyn. For like wiſe as we abſteyne from our ſtep-mother, as we do from our owne mother/ and hit is as vnlefull to marye our wyues doughter/as our owne doughter: euen in lyke maner we maye not mary our wyues ſyſter no more than we maye our naturall ſyſters. And on the other ſyde among wo-men this reaſon of kynrede hathe place in lyke maner. for women be forbydden to medle with the nigh kinſmen of their huſ-bandes as the men maye not medle with

the

the nygh kynſwoman of their wyſes/ſeing that the rightes and lawes of kinred do al of lyke bynde them bothe, the women, as well as the men/as it is euidently knowen. ¶But J do admoniſſ he and ſaye vnto all men, whiche thynke any thynge on mariage, that the ſloure and ſtate of this worlde taryeth not/ and there is a ſhorte tyme to come/ to thentent that they, whiche haue wiues ſhulde behaue them ſelfe, as if they had no wyues. ¶That if any man on the other ſyde wyll ley ageynſt me this ſaynge of god, Jncreſe you & multiplie, then wold J laugh at the mans vndiſcretnes/ whiche dothe not conſyder the tymes/ whan the lawes were made/and what were the occaſions of makynge of them. For ſeconde mariage is permiſed to auoyde fornicacio, and harlatry with commune women, and concubynes/ and to comfort the impotentnes & great frailtie of nature/& nat bicauſe it ſhulde be (if J may ſo call it) a gardeuiandes or mainteynaunce to intemperaunce and exceſſe of ſuche pleaſure: and therfore ſayeth the apoſtell. They that can not refrayne and forbeare/let them mary. Nowe be it they that mary not, do nat againſt the

lawe

lawe thoughe they marie not. But ſuche kynde of men, that wolde marie their wyues ſyſterne/bicauſe their iugement and vnderſtandinge is all blynded with a ſhameful and an infamous affection and luſt/they loke not ones vpon nature/which long ſins hath diuiſed certayne and ſpeciall names, the whiche ſhulde ſhewe of whens euery man is borne. and where a má marieth.ij. ſyſters/this canne not be. for they that be borne of ſuche couchinge to gethers, what name ſhall one of them call the other, bretherne or coſyns, that is ſyſters childerne? For ſoth by the meane of this mingle they may call eche other indifferently/ both bretherne and alſo coſins, with great cõfuſion both of names & of kynred alſo. wherfore O man, make nat thy babes a ſtepmother in the ſtede of their other mother/ or aunt by the moder ſide. Nor arme her not with cruell ieloſyes and ſpytes of ſtepmothers, whiche ought before of nature and kynde to cheriſſhe thy children euen lyke a mother, where as nowe vnto them/that thou haddeſt bi the firſt ſiſter, the.ij. ſiſter, if thou marie her, muſte nedes be a ſtepmother. for of ſtepmothers only the hatred & malice is

ſo

so egre, that it reuengeth displeasures after the dethe of them/that they be displesed with. And where as in all other discordes deth maketh peace/the spyte and malyce reygnethe and ragethe in them euen after deathe.

¶ For a conclusion of this matter, if a man desyre a wyfe/ accordynge to the lawe/the world is wide, he mai haue choise inough. But if he regarde not the law/but his lust, so moche more he oucht to be withstande, for to lerne him/ to kepe his vessell cleane/ accordinge to honestie/ not to the desire of the flesshe. I was about to write more vnto the/but it shuld be out of measure for a letter/and I pray god that other this our admonicion may preuaile ageinst all suche foule affection and lust, or els that this pestilence come no nere vs: but that it maye weare out in the same places, where as suche shamefull boldenes fyrst beganne.

¶ On these mennes syde is also Isichius/ Gregorie Nazianzens scholer/ an excellent lerned man in holy scripture. For he expouninge this place of the Leuitical sayth thus. The intent of al this proces is this, that we shulde absteine from all vice/ and

do those thynges that be vertuous. For the lawemakers intent here is this/ to restreine vs frō all lechery/and not to be spoken mariages,and from fornication, both spirituall & carnall. wherfore whan he gyueth these forsayde commandementes/ he saithe: I your lorde god. whiche wordes he spake for this cause,that whan we perceyue that he, whiche cōmanded vs to do these thinges/is our creatour/ and made vs of noucht/and that he is our lorde and god/we shulde with all herte and mynde applie our selfe to kepe the thinges which he commaunded. For god dyd not in one place of the lawe gyue twise commaundement/ that they shuld do his iudgemētes, and kepe his cōmandemēctes: god made no such rehersall nor doublynge/ nor said not twyse: I your lorde god: but Moses, yea rather the holy gost,that spake in Moses, doth this for this consideration, that these holy lawes shulde not be dispised or littell regarded, by cause some sayde, that they were Moses lawes. But these thynges, that be here commaunded/ be not Moses preceptes, but the commaundementes of god. Agayn Moses rehersed these thinges twyse,

bycause there was meruaylous dilygence and studye taken, that bothe the letter and texte/ and the lytterall or carnall sens and playne meanynge of these preceptes shuld be obserued and kepte / and also the spirirituall and goostly vnderstandyng/ and that a great and a right lawe shulde compose and order bothe the outwarde and the inwarde man also, whiche is bounde to kepe bothe the outwarde superfyciall meanyng of this lawe/ and also the inwarde and mysticall intét of the same. And as for the vttermore and superficial minde of this law/ forbyddeth them/ that be nyghe of bloud/ to haue any a do to gether by the waye of mariage or other wyse, bicause that thyng also was kept amonge the hethens, whose londe god dyd take from them / to gyue it the Jues for their heritage. And by cause he wolde shewe that this cõmaundement is necessary and of necessite to be kepte/ he dothe nat onely recken vp the degrees of kynred/ but also in rekenynge them/ he setteth forthe playnely the cause, why euery lawe was made/ and the cõmixtion or couplynge of suche persons he calleth it discouerynge of foulenes or shamelesnes/ signi-

fienge, that who so euer commytteth any suche dedes, euery body shulde be ashamed of him/euery body tourne their faces from hym, and that he ought to be abhorred and hated of euery body. For who so vnhelleth the foulenes/or the parties to be ashamed of, of his kynsfolke, be they of kyn goostly & spiritual, or bodili and carnal/ he is foũde to be a breker and a transgressour of al the holle lawe. For the thinge/ that he doth, is contrary to loue and charite, whiche is the fulfyllynge and performing of al the holle lawe. And that a man or a woman is after no small facion polluted and defyled by these forsayde vices, the indignation vengeaunce and punysshement, that is appointed for such vice, doth euidẽtly shew. And truly we ought not to pollute our selfe with neuer one of them. For who so is polluted with any one of them, is polluted with them all. Therfore whan the lawe wolde shewe/that they be all ioyned and knytte fáste to gether/ so that a man can not offend i one but he must offend in all/ & so be polluted by al/for this cõsideracion the lawe hath gathered them all to gether, and couched them vp here

all

all in one place / and proueth that they be so greuous and haynous enormities / that they distroyed holle nacions / and polluted the lande, and whá it was polluted, made it for to be forsaken / and to vomit out and refuse them that had cómytted suche vice in hit, not bycause the lande coulde expell, put out, or euomit them / but bycause euen the very erthe selfe, of the owne Nature / that god hathe gyuen it, doth wayle and mourne at suche abhominations: and god that is rygbtefull taketh vengeaunce both for this mournynge and heuynesse of the erth his creature, and also for breache of his lawe / and for infamie and villany done to his creature.

¶ He maketh ofte reherſall / and stableth his law, and cõfirmeth his thretis, and ageyn setteth punisshementes, and that for this intent, bycause he wolde feare vs, and quicken vs to forbere suche thinges, as he forbiddeth vs, that we shuld not fall in to the penaltie / that he hath thret. And truly the penaltie is the losse and destruction of the soule, which begineth here in this life by syn, that is deth of the soule, & is accomplisshed & ended in the lyfe to come in the

euerlastinge tourmentes of hell. wherfore he byddeth bothe the Jewes/ and straungers, that do professe the Jues lawe, to flie from suche abhominations, and in no case to do them, which thinges our auncientes greately vsed, and they haue polluted our lande. And yet nowe the thyrde tyme he commaunded the same thynges, to shewe that they be not the cõmãdementes of mã but of god hym selfe. Laste of al sayth he/ consyder with what wordes he doth confyrme this presente constitution or penall lawe: Suffre nat your selfe to be polluted with such vices: for I am your lorde god: wyllyng that we all shulde be cleane from al pollution and syn/ for the image & similitude of god is with in vs, and roũde about vs. and as often as we pollute the image of god by syn, but specially by any of these noughtie and not to be spoken dedes/ that ben here forbidden, god must nedis be displeased and angry. And if we kepe this ymage of god within our sowle pure and cleane/ god hath suche delyte and pleasure therein, that he vouchsith sause to inhabite within vs. Therfore who so euer doth defyle the temple or churche of god, god

shall

ſhal diſtroy hym. For the temple or churche of god is holy whiche churche or temple you be, ſaith Paule to al chriſten folke.
¶Ageyn Iſichius ſayth a litle after/ It is in very dede, quod he/ vncomely and agaynſt the lyfe of brute beaſtes as can be/ for a man to be maryed and medle with his brothers wyfe/or with any of his kinſmens wyues, namely of them that be nere of bloud. wherfore god commandeth and decreeth, that he whiche marieth of this facion ſhall dy without children. Doutles bycauſe that he miſuſynge hym ſelfe doth marre and confounde/ and vtterly diſorder the lawe of bryngynge forth children.
¶And agayn afterwarde ſayth Iſichius/ Theſe thynges be not ſpoken of onely to the Iues/whiche by cauſe they be circumciſed and haue Moſes lawe/ thynke them ſelfe alone from al other nations, but they be ſpoken to euery man woman and childe whiche intende to ſerue god.
¶And to this place we haue reherſed you Iſichius wordes. Nowe with all theſe doctours opinion agreeth ſaynt Ambroſe, ſaynt Hierome, and ſaynt Auguſtine.
¶Firſte where one Paterne had a ſonne

by one womá, and a doughter by another, whiche had also a doughter, & wold haue maryed his doughters doughter to his sonne/the maidens halfe vncle, he counsailed saint Ambrose in the case/which made hym this aunswere: I nother thynke nor iudge, that your byssshop/ an holy man, doth loke after my sentence and iudgement in this matter. For if he hadde, he wold haue written to me of it/ and in somoche as he wrytteth not, he sheweth playnly/ that he iudgeth this no matter to be doubted on. for what doubt may be in this case, whether thy sonne, and thy doughters doughter, or thy nece by thin owne doughter, may mary to gethers? seynge the lawe of god forbyddeth, that thy sonne shulde mary with thy brothers doughter. But fyrst let vs examine the wordes of the law. for thou pt̃édest in thy letters/that by this lawe of god, mariage betwene suche pledges or childerne/ as thin be/ is suffred, sins that it is not forbidden. And I sey plainly/ that it is forbidden. For sithins that those thynges/ whiche be not so greuous vices, be forbydden, as that we sayde of brother children, moche more this, I thynke, is

forbyde

forbydden/where is moche nerer kynred. For he that byndeth vs to flee the lesser/ dothe not set vs at libertie for the greatter synne, but byndeth vs the more. Than if thou thinke it is permised for this/bicause it is not forbidden specially and expressely, and by name,no more thou shalt not finde this thynge/ forbydden by the wordes of the lawe/that the father shulde not take his doughter to wife.And is it lauful therfore, by cause it is not forbydden? ye nothinge so. It is forbydden by the rycht of nature/it is forbydden by the lawe,that is in euery mans hert and conscience/it is forbidden by loue and charite,which by long vsage & custome/bi continuance & proces of time,hath gottē this thinge by p̄scription/ which forsoth is not to be broken/it is forbiddē by title & richt of nigh kinred.howe many suche great thinges shalt thou fynd not forbydden expressely by the lawe/ that Moses made? and yet the same be forbidden by a certeine playne expresse cōmaundement of nature. ye and ageyne how many thinges be there, whiche are lefull to do, and yet not expedient? All thynges be lefull,but al thinges do not bylde and edifie.

That if the apostoll dothe calle vs backe from those thinges, that do not edifie, how can we trowe, that suche a thinge is to be done, that is not lefull by the sayenge of the lawe, nor yet doth not edifye, by cause the ordre of pitie loue and charitie is agaynst it, and it agaynste the ordre of loue and charitie? For what is more solemne, or more customably and reuerently obserued, than the charitable kysse betwene the vncle and the nece, whiche he oweth to her of ductie, as to his doughter, and she to him, as to her father? Shalt thou then go and make this innocent kysse of loue and charite, in the whiche is none offence nor suspycion of euyll, to be suspecte, whyle thou dost intende suche mariage? And wilt thou take aweye from thy dere pledges or childerne so deuout and religious a sacrement and holy token of pure and naturall loue? And beside al this, what a great confusyon of other wordes shulde there be? thou one man shalt be called of one womá graundefather and father in lawe. She also shall be calked of the by contrarye names, as nece and doughter in lawe. Also the brother and sister shal borow contrary

names.

names. For ſhe ſhall be her brothers mother in lawe/ and he ſhall be ſonne in lawe to his ſyſter. Shall the nece be maried vnto her vncle or mothers brother? and ſhall the pure loue and charite of thyn innocent children be tourned in to luſty and carnall loue? But thoughe thou ſuffre the commaundement of god go by/at the leeſt wiſe thou ſhuldeſt haue regarded the cõmaundementes of the Emperours, of whome thou haſte hadde great honour and preferment. For Theodos the emperour forbadde the brothers and the ſyſter children to comme to gether in the waye of matrimonye, and hathe eſtablyſſhedde verye ſore puniſſhment, if any perſon be ſo bolde to diſteyne the brethers dere gages/ and yet brothers chylderne be in equalle degree/ nor the one is not ſuperyour/ or as it were parent vnto the tother/as in thy children/wher the vncle ſhuld mary his nece. By cauſe brether childerne be in a maner bretherne and ſiſtern/cõming al of one parentes/if it were for nothing els/yet for the reuerence/that they owe to the ſame parẽtes, the Emperour wolde haue them abſteine from marieng the one with thother.

If thou ſay, that it hath ben diſpenſedde with all by god: and though it hath/yet is this no ꝑiudice or preſident vnto the lawe. For that ſtatute, that is made in commune and generally for al, if it be releaſſed/it helpeth hym onely / to whome it appereth to be releaſſed / and none other. And though we rede in the olde teſtament, that ſome man called his ſiſter wyfe, yet this was neuer harde / that any man ſhulde take his nece to his wyfe, and ſhulde calle her his mate. Nowe furthermore / that is the gayeſt thynge of all, where thou denyeſte, that thy nece is nere of kyn vnto her vncle thy ſonne, by cauſe ſhe is not of kynne vnto him by agnation, or by her fathers ſide, but onely by cognation / or by her mothers ſyde / as who ſaith, that belly brotherne, that is / they that be gotten of dyuers fathers / and of one mother, myght make a maryage / and yet theſe perſones be not of kynne by the fathers ſyde, but only by the moder ſide. wherfore no remedi thou muſt go from this intent and purpoſe / whiche if thou mighteſt atteyne, yet ſhuld it neuer increace thy familie or linage.

¶ The ſeconde doctour, that we mencioned

nid, is saint Hierome, which writeth thus: what kyn thinge is this, that Abraham a iust & a good man toke his fathers doughter to wyfe? seing that the fyrst men, which were Adams children, though they dyd so in dede, yet for the holynes of mens eares the scripture dothe not expresse it, but wylleth it rather to be vnderstanden than spoken, the thinge is so abhominable. And seinge ageyn that god afterwarde ordeyned a lawe for it, wherin he threteth, that who so shal take his sister, other on father side, or on mothers syde, and shall se her foulenes, it is a rebuke and shame, he shall be dryuen out of his countrey in sight of his owne kynne, he hath vnbilled the priuities of his syster, he shall receyue his rewarde for his sin. This saint Hierome speaketh, as if he wold say, that this Leuitical lawe, that a man shulde nat marye his syster, is so grounded on naturall reason, that not onely Abraham ought to haue kepte this lawe, and that before it was publyssbed in wrytynge, but also as many as professe the same faythe, beleue and truste in god, that Abraham had, and that all faithfuls in Christe ought to haue. ¶ Laste of all

If thou say, that it hath ben dispensedde with all by god: and though it hath/yet is this no ꝑiudice or president vnto the lawe. For that statute, that is made in commune and generally for al, if it be releassed/it helpeth hym onely / to whome it appereth to be releassed / and none other. And though we rede in the olde testament, that some man called his sister wyfe, yet this was neuer harde / that any man shulde take his nece to his wyfe, and shulde calle her his mate. Nowe furthermore / that is the gayest thynge of all, where thou denyeste, that thy nece is nere of kyn vnto her vncle thy sonne, by cause she is not of kynne vnto him by agnation, or by her fathers side, but onely by cognation / or by her mothers syde / as who saith, that belly brotherne, that is / they that be gotten of dyuers fathers / and of one mother, myght make a maryage / and yet these persones be not of kynne by the fathers syde, but only by the moder side. wherfore no remedi thou must go from this intent and purpose / whiche if thou mightest atteyne, yet shuld it neuer increace thy familie or linage.

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nid, is saint Hierome, which writeth thus: what kyn thinge is this, that Abraham a iust & a good man toke his fathers doughter to wyfe: seing that the fyrst men, which were Adams children, though they dyd so in dede, yet for the holynes of mens eares the scripture dothe not expresse it, but wylleth it rather to be vnderstanden than spoken, the thinge is so abhominable. And seinge ageyn that god afterwarde ordeyned a lawe for it, wherin he threteth, that who so shal take his sister, other on father side, or on mothers syde, and shall se her foulenes, it is a rebuke and shame, he shall be dryuen out of his countrey in sight of his owne kynne, he hath vnbilled the priuities of his syster, he shall receyue his rewarde for his sin. This saint Hierome speaketh, as if he wold say, that this Leuitical lawe, that a man shulde nat marye his syster, is so grounded on naturall reason, that not onely Abraham ought to haue kepte this lawe, and that before it was publysshed in wrytynge, but also as many as professe the same faythe, beleue and truste in god, that Abraham had, and that all faithfuls in Christe ought to haue. ¶ Laste of all

ſaint Auguſtine where he goth aboute to confounde and ouer come Fauſtus, that ſore ennemye to Chriſtes faythe / whiche leyde it for a foule vice and punyſſhable, that chriſtian men at that tyme wolde nother admit nor yet abyde to here the lawe of Deuteronomi ones to be ſpoken on, that a man might mary his brothers wydowe his brother beyng dead without children, aunſwerethe to Fauſtus on this maner.

Certayne lawes of the bokes of the olde teſtament we do nat kepe nowe a dayes, bicauſe ſuche lawes were made onely to be a ſhadowe of thynges that ſhuld folowe. And theſe lawes though they were conuenient, and fit to be commaunded and ſuffered for that people / and for that tyme / yet we nowe a dayes that be chriſtian people, oughte not to kepe them bodely or as the bare letter and wordes doth ſpeke: but we muſte conſyder / what they ſygnifye / and we be tought by the apoſtels owne wrytynges that we muſt kepe ſuche lawes ſpiritually not corporally. for whan we rede any ſuche thynges in the inſtrument of the olde teſtamente / whiche in the newe teſtament we other be not commanded to kepe

or vtterly forbyd to kepe them / we muste not rebuke it, but we must seke out / what is the goostly meanynge of it. For in so moche as we do no more obserue it / that proueth not, that it is damned, & in no wise to be receiued / but that it is fulfilled. And therfore this same selfe thynge / that Faustus, bycause he dothe nat vnderstande it / hathe layde against christian men, as a crime and greuous offence: seruethe for nothyng elles in the worlde, but onely to shewe mistycally vnder a fygure and cloude a spirituall purpose / & it is this / that euery preachour of the godspell is boũde so to labour in the godspell / that he stir vp sede vnto his brother departed / that is to Christe, whiche dyed for vs. And the sede that shal be stirred vppe, muste haue the name of the brother, that is departed. wherfore we be called Christiãs / and therfore without doubt, we nowe be bounde to kepe and fulfill this lawe, not carnally by bodily generacion / after the olde meanynge and takynge of it / but spiritually / and by goostly generacion, and after the trewe vnderstandynge. And for this saint Paule the apostell fulfylleth this lawe spiritually / where he is angrye with

with them/whom he saythe hym selfe to haue engendred and gotten throughe the godspell and the worde of god to Christe Jesus his brother, and not to him selfe/nor to none other má. And therfore doth sharply blame & rebuke them/whiche wolde be called Paulins, or Paulis men. what, saith he, was Paule crucified for you? or were you baptysed in the name of Paule? as if he had sayde/ I begat you to my brother/ whiche is deed, that is, to Christe. Be you called therfore Christians/ Christes men, not Paulins or Paulis men.

¶ Agayn/in his boke of questions vpō the Leuiticall/ and in that worke also/ that he named the Myrror, he saith, that this forbod, that a man shulde not marie his brothers wife/and al other thingis, that be forbyd in the. xviij. chap. of the Leuiticall/we be bounde without doubte to kepe them nowe, in the tyme of the newe testamét and lawe of the gospell, whan the obseruaunce and kepynge of the olde shadowes/and bodily or outwarde tokens is taken away: For what soeuer thynge, as he sayth in an other place/dothe helpe and serue for vtue & good maners/lykewyse as they were not

ordey-

ordined to betoké any thinge/but to ſhewe vs howe we muſte lyue: ſo they ought nat by any interpretation or vnderſtandyng,be applied to any ſignifyinge or tokenynge,as if they were but ſignes & tokens of thynges. But as many as be of Chriſtes religion and beleue/ be bounde of neceſſitie to kepe them, euen ſo as they be ſpoken.

And in an other place he ſaith/Although in tyme paſte men maried their ſiſters/ yet that thing was done bicauſe neceſſite compelled mé vnto it/for as moche as thā were ſo fewe people:but this thig is not ſo olde/ nor was neuer ſo neceſſary/but it is now as damnable/ bicauſe that religion dothe forbyd it. For it ought to be done than/when it might/bicauſe that by mariége of ſiſters there might be plentie of women,& ſo that by proceſſe they might take wiues/whiche ſhulde nat be their ſiſters. but afterwarde ones that this neceſſite ceaſſed,& that there were women inoughe, this thynge oughte not onely to be vndone/but if it were done, it ſhulde be a crime not to be ſpoken. For I wote not howe/ ſaith he/there is amōge all the poyntes of mans ſhamefacidnes one certayne natural & cōmendable poynt,

and

and it is this, that to what so euer woman we be bounde to do honour with reuerēce and shamefacidnes / our carnall luste / yea thoughe it be for generation / yet by cause it is carnall luste / we refrayne it from that woman, specially considerynge that we se maryed folke / namely that haue shame & honestie / to be ashamed of suche luste.

¶ Nowe here thou seest / gentyll indifferēt reder, what is the iugement of these great diuinis: wherin thou shalte call to thy remembrance. iiij. or. v. thynges.

Fyrste what so euer persone of Christes beleue breke any of these Leuiticall prohibitions of maryage, he shall be damned bothe bodye and soule in to euerlastynge deathe of helle. Seconde that not onely the Jues dyd absteine from marienge their brothers wyues / euen as ye wolde say / for feare of some mischiefe, & yet they mighte haue done it by auctorite of their lawe, but that the very heathens also after the deth of their wyues, dydde euer more absteyne from maryinge of their wyues sisterne / as from a certayne impietie or abhominacion agaynst nature. Thirde, that mariages contracte contrary to these prohibitions /

be

be vncomely and abhomynable, and as nere as can be to the lyfe of brute beastes/ and suche as christian people shuld nother abyde to here them spoken of, nor yet to thynke on them, and that they be cleane contrarye to charitie, ye and furthermore that they be the transgression and breking of all the lawe. Fourthe/ that they be so greuous and so hateful in the sight of god, that they haue distroyed hole nacions/polluted the lande, and being polluted/caused hit naturally to grudge & to put them out, which had cõmised suche thinges/doutles bicause that god did take vengeance at the grefe and complaynt of the lande. Finally that these probibitions perteyne not onely vnto the Jues/ but to all christians, whiche come to serue god: and that they/ whiche be polluted and corrupte with any one of these not to be spoken dedes, is defyled with them all/and that god is angry with them, and wyll not dwell with them, and contrary that the spirite of god dwelleth in them/ that kepe them selfe cleane from suche foule couples. And seynge that these foresayde thynges be true, it is prouided as playnely as can be/ that these

Leuitical lawes be, out of doubte/ the cō-
mandementes of god/and that/morall cō-
mandementes/ ordined for thincrease and
mayntenaunce of honestie and vertue, and
that they muste not be kepte after a spiri-
tuall and a mysticall vnderstandynge, as
Isichius saith, more than after the playne
letter, and euen as they be spoken, namely
amonge christian folke. For as many as be
trewe Christes disciples/the spirite of god
dwelleth in them/and if there be any/ that
hath not the spirite of Christe, he is none
of Christes. And therfore christian people
specially had nede to be holye, and not to
suspēde the temple or churche of god with
suche abhominations, or any other vice:
but it becometh them to be innocent from
all maner of foulenes and vnclenlynes.

¶ And marke well this thynge also/ gen-
tyll indifferent reder, that saynt Ambrose
holdeth, that it is no doubte, and without
question forbydden / any manne to marye
his halfe systers doughter, and that for
many consyderations, as for the increase
or multyplyenge of stockes / or by cause
of religion and reuerence, that is in the na-
mes of kynrede: whiche to be chaunged/

or

or to be confounded by the meane of vncleanly loue/ he iudgeth it a thinge not to be spoken: or els bycause these maryages be forbydden bothe by the lawe of nature/ and so mocbe more by the lawe of god: or els bycause suche couples be not conuenient nor syttynge, for as mocbe as the ordre of natural loue or reuerence is ageynst bit: and also bycause that mooste religious and deuoute sacramente, and charytable kysse/the whiche is withoute offense/that the vncle dothe owe vnto his nece, as to his doughter, and she to her vncle, as to her father, shulde by suche maryages be taken awaye: or fynally bicause that suche mariages be forbydden euen by the lawe of manne, as by the lawe Liuille. Nowe mocbe more thanne ought we to thynke, that we shulde make no suche maryages/ as be before forbydden in the Leuiticall? the whiche as they be full of bondes / of farre more nere kynrede thanne this, so is there more foulenesse and malyciousnesse in the doynge of them, and they lette more the multiplyenge of stockes/and they confounde more the religion

and reuerence of the names of kynred/and they be also moche more vnlefull/ by cause they be forbydden bothe by the expresse commandement of god/publisshed by the mouthe of Moses, and also prohibite by the lawe of nature, and beside this/they let the increase of loue and charitie a great deale more, and be agaynste naturall reuerence and shamefacidnes, and for a conclusion, they be forbydden and interdicte not onely by the lawe Liuill, but also by the holy canons and rules of the sacre holye churche/ suche no doubte as were indicted and cõmanded by the holy spirite of god, whiche hath the orderinge and thadministration of the churche of god.

The fourthe Chaptre.

AND nowe after that we haue reherſed the doctours of the churche of Christe, which be of most great auctorite/fame/ and renowne: let vs come to the writinges of the other expoũders & interpreters of scripture/which though they be not of so great auctoritie/ yet for al that

their

theyr credence and lernynge is both receiued and iudged to be of grauitie.

¶Truely saint Ancelme, sometyme archebysshoppe of Caunturbury, whan one asked hym, by what reason the forbydding, that we shulde not mary any of our consanguinite or affinite, hath so great strēgth and power in the church of god, that there can be no perdon or dispensatiō for the brekynge of it, excepte that the mariage fyrste be broken, he answered thus, bicause, saith he, I se the here seke and demaunde not onely the auctoritie, as I might say, compellynge and constraynynge onely by force and power, but rather to seke a reason, prouynge and shewynge vnto the this thinge by reason: by cause thou shalte knowe, that I wyll satisfie and fulfyll thy wyl and desire, all be it perauenture I am nat able, yet I wyll endeuer my selfe to content the somwhat in this behalfe. The canons and lawes of the churche be full of this commaundement, and there be many decrees of the olde fathers also, that we shulde not mari with any of our bloudde, or if we haue maried, that we shulde be departed and disceuered again. And as for the cause

or reason of this cómaundement, al be it I might say/that the simple & plaine reason is/to obey the power & auctoritie of them, to whom Christe sayd: It is not you your selfe truly that do speake, but the spirite of your father, whiche speaketh in you/ and to folowe the custome of the holi churche, whose customes to breake and fordo is a kynde of heresy: yet for all that by the consyderation and marking also of holy scripture I am wont to thynke thus with my selfe. Amonge the olde and auncient people of the Jues/it was not leful for any persone to mary with any out of his trybe. And whan I doubted, and soughte a reason/why so: the doughters of Salphaad came to my remébraunce. For whose mariages/ whan certayne of theyr trybe and kynred dyd aske counsayle of Moses, and by Moses, of our lorde: cómandemét was gyuen them of our lorde, that there shuld be no mariages made out of one tribe into a nother, whiche was ordined/bycause the inheritaunce of the tribes shulde not be diminysshed. For that carnall people could not lifte vp their hartes to heuen, but as an erthely crepynge beaste, with all their

breast

breast and harte fast cleauing to the erthe, thought only of the erthely heritage/ and not of the heuenly. Therfore euery e tribe had leuer to kepe their selfe within the straites of their tribe, by maryenge to gether one of the selfe same tribe with an other/then by marienge out of their stocke, to diuyde & parte out also their heritage. for suche was their heritage/& suche is all erthely heritage/ that if bit be ones diuyded/it waxeth lesse and dimynisshetb/nor can not come all holle to many. Therfore, as our lorde him selfe in the gospell sayth to the Jues, that Moses dyd suffre them for their vngracious stomakes and harde hartes, to put away their wyues/so that they put in a bill of diuorse: euin so in this case Moses gaue an answere to their carnalites & flesbli desires, & acording to their stubborne & hard hartes, that they shulde nat mary out of their tribe: but the goodnes and perfectnes of vs/that be christian folke, is not on this facion. For seing that our herytage is god/of whom bit is spoken, God is loue and charitie, lyke wise as the Jues vsed a lawe fit & agreable to their heritage, so we ought to maitein a law for

our heritage/whiche is the lawe of loue and charitie. For as for loue and charite the brodder it is spredde, the more remayneth to hym, that doth spredde and caste it abrode/ and the more his loue and charite dothe increace. Therfore the christian religion and perfection hath ordined, that the boundes and buttayles of consanguynite shuld be stretched forthe vnto the. vj. degree on euery syde, accordynge to the decrees of holy fathers and canons: so that kynsfolke being within the. vi. degre, may not marye to gether/ betwene whom their owne naturall affection of one to a nother shulde be sufficiente to fortifye and make stronge loue and charite betwene them, the whiche natural affection it is great sinne to violate and breke/euen amonge the bethen and vnchristian people. And where that this naturall affection and loue begynneth to faile, there onely muste be putte to / the bonde of mariage/for to bynde loue & charite to gether agein/that it slyp not away, to enlarge the boundes & buttayles of our herytage, whiche is loue and charite. And it semeth moste right and reasonable, that as amonge the Jewes the transgressour of

their

theyr lawe was punisshed accordyngely/ for marienge out of their tribe and kinred/ for to conserue their erthely heritage: so amonge vs christian people it is ryght and resonable/that the trāsgressor of our lawe be punisshed, to thintent our heuenly cōu-trey and godly heritage may be encreased. ¶Yet an other reson. As they were forbidden to marye out of thayr trybe or stocke, euen so they were forbydden by the selfe same lawe to medle with them, that were nexte of their bloudde. For the lawe saith: No man medle with her, that is next of his bloudde: and the lawe putteth vnto/ the auctoritie of the commander/ sayenge/ I the lorde: and as though they had required a cause and a reasone why it was so cōmaunded/ the lawe putteth vnto/ Thou shalt not open and dyscouer thy fathers foulnes nor thy mothers/ by cause it is the foulnes or fylthines of thy father and thy mother. And afterwarde streyght folowynge he reakenneth vppe in ordre those/ that be nexte of bloudde, with whom we muste not medle/nor open or discouer their foulnes/that is to witte, brotherne and syster-ne/ and other that be there described.

The whiche cause and reasone may be also commune vnto vs / and to them / euen lyke as the commaundement is cõmune bothe vnto vs/and to them. Therfore let vs seke what foulnes is this, whiche who so discouereth and openneth / is wourthy to die for it. It is a foule thynge / whan one parte doth not agre with the other. And before the transgression of the fyrste man Adam, in all mannes body there was no thynge fowle fylthy or vnclene, no partie contrary nor rebellious to a nother. For while that same harmony and swete agrement / well and commely proporcioned, by the hande of the creator and maker god, did yet remayne: one partie dyd agre with an other and the soule was subiecte and obedient to god/and the body was subiect and obedient to the soule in al point}. But after that by breakynge of the commaundement of god / the soule was made inobedyent and stubborne and rebellious agaynste god his superiour / the body inferiour was no lenger obediẽt to the soule his superiour. For streight the trãsgressours/Adam and Eue, had theyr eies opened. And theyr eyes, sayth he, were opened/that is to be vnderstande

ſtande the one to haue carnall luſt vnto the
tother/ the whiche deſyre and luſte before
they had not. And where as they before
were naked/and were not a whit aſhamed
therof/ ſtreyghte whan they ſawe that the
partes of their bodyes were turned in to
thynges to be aſhamed of, went aboute to
hyde and couer them/and dydde make co-
uerynge for them. The whiche thynge we
maye perceyue euen nowe in children and
litle babes, whiche as longe as they fele/
nor perceyue no ſtirrynge nor motion of
concupiſcence or fleſſhely luſtes/ they haue
no partis that they be aſhamed of/bicauſe
they can not be aſhamed of any parte of
their bodies. But whan they begyn ones
to perceyue and fele that concupiſcence/
they can not ſuffre their priuities to be vn-
couered. Therfore after this harmoni and
ſwete agrement was broken and vndone
in our fyrſte parentes/ there happened not
a lyttell foulenes and originall punyſſhe-
ment/ that ſhulde go with originall ſinne/
frō them to theyr poſteritie, and to al that
ſhulde come of them. And ſo by cauſe of
this foule bodily luſte & cōcupiſcence, that
Paule calleth the body of ſynne/whiche is
within

within our body/those membres and partes/that haue ones serued to this lust and concupiscence/be named shameful partes, foulenesse/ and shame, by cause they be of knowlege/and do wytnesse of our inwarde foulenes/ that is to sey/of our luste and stirynge to flesshely medlynge: whiche membres euer more do require to be alway couered and hyd. And this foulenes of concupiscēce,desire, and lust is then opened or vncouerd/whā it requireth and taketh vnto it the office and seruice of tho membres/ that be ordyned for it, and dothe falle to practise/ at whiche tyme all that mygbte and power of the reasonable soule or of mans wytte is so dulled/ so troubled/ & so ouercome/and so oppressed/& ouerlaide by the filthy lust of the flesshe, that it may be very well sayde at that time:Adam/where arte thou? That is to say/ thou that woldest haue ben lyke to god/I do not se wher to thou art come. And what is more foule than this foulenes? what greatter shame is there than this shame? The whiche the apostel rebukynge, Flie you,sayth he, fornication. All the synne,that aman doth cōmit,is without the body, but he that syn-

neth

neth in fornication, synneth agaynste his owne body, that is to sey, all synnis truely hurteth the soule, but yet for all that they foule not the bodye: but he, that committeth fornication/doth not only offend god/ and foule his soule/ but also he defylethe and maketh vnhoneſt all the fayrneſſe and goodlines of his body. For as a theſe, whā he is taken/hath a marke bournedin hym with an iron or with fire/ to his vttre and euerlastinge shame and rebuke, so this bodely pleasure was for a punyſſhement of synne put into our nature/which nature by the faute of brekyng goddes commaundement was nowe holly corrupte thorowe and thorowe in euery parte of it, bycause that he, in whom al our holle nature was, and without whom there was no parte of it/was al holle corrupt. The which foulenes in all persons ought to be couered euermore with the coueryng of shamfacidnes, if it were not necessarie for the generation of man, for a peyne and punyſſhement of the fyrste synne. And yet there is no suche loue to the generation and encrese of man/ that dothe suffre vs to discouer this foulenes in those persones/ of whome the lawe

saith

saith, that thei be next of our bloudde. For these persons by the law & motiō of nature self owe this reuerēce of loue & charite one of them to an other, so that there can be no iust & lauful cause why they shulde shame and dis hōneste their bodies on this facion/ nor there can be no honeste excuse foūde or brought in/ whiche may couer & hyde this dishonestie. Not bicause I wolde sey/ that mariages be nat holy, and that the bedde is not clene and without spotte & synne, in the whiche matrimony is kepte laufully, with feare of god/ and for charytable loue and honestye. For by suche matrymonye they that mary/ be made one spirite and one sowle, syns that they be made nowe one flesshe. And thus bothe by their honest loue/ and also by their desire to engendre and gette chyldren, do so hyde and couer their dishonestie, & do, as ye wolde sey denoure & swalowe vp this penall foulenes & filthines of mans generation, that as the Apostell saythe: They, that mary/ be as though they were not maried. Therfore, as we haue sayde, they that were forbydden to mary out of their tribe: by the same lawe also were forbydden to meddle & ma-

ry with them/that be nexte of their bloud. But amonge the Jewes this lawe of naturall loue and affection ſcant did paſſe the thirde degre of conſanguinite, but amonge vs (vnto whome the tyme of correctyon and amendement is come, by whome god hath corrected and amended the worlde/ and brought it to perfection, whiche ſhal not be changed) loue hath growen and encreſſed, and honeſtie greatly aboũded and multiplyed/and for to be token and declare the perfectiõ of the goſpell, that nombre of 3. is doubled/& hath extende it ſelfe in to. 6. whiche is a perfecte nombre, & ſtondith by his owne partes/ euen as the trueth of the goſpell ſto:ndeth by it ſelfe alone/ & nedeth nothinge elles to vnderſet and ſtaye it vp. ¶ But here thou wilte leye to my charge & ſay/ that there were in the olde tyme certaine good & vtuos men, which for certain honeſte cauſes did preſume & auenture to break & diſteine euen the firſte & ſecõd degre of cõſãguinite, as before the lawe did Abrahã/ Iſaac/ & Jacob/ which lately before had ben diſſeuered & cõmanded to go aparte frõ other naciõs/ for auoidinge the couplinge & mariage with the ſame nacions, and ſo did

mary

mary with them, that were nexte of their bloud/ and this was done before the lawe was gyuen/ and after that the lawe was gyuen Caleb gaue Axam his doughter in wyfe to his yonger brother Othoniel, for a rewarde of victory, whan he conquered and ouercame the cite of Letters. And also Thamar kynge Dauids doughter/ whan she was oppressed of her brother; Do not brother, sayd she, but aske me of the king my father/ and he wyll nat denye the. The which kyng Dauid truly/ that was said to gyue the syster to her brother in wyfe/ was father to them bothe. wherfore where as I say they dyd presume vpon some certain honeste causes and consyderations, that chaunsed, yet for al that christian religion & the perfectnes that ought to be in a christian man/ wyll iudge nothynge to be honest, that is ageynst the honestie of nature.

¶ Lo here thou haste my mynde, & what I thynke in this question of thyne, saythe saynt Ancelme, If thou be pleased and cōtented/ it is well: if it displease the, I shall lyghtly get forgeuenes and perdon of the.

¶ In this opinion also be Hugh Cardinal, Raufe Flauiacensis/ Ruperte Tuitiensis/

Hildbarte

Hildebart Cenomanense/ Juo Carnotense all byssbops/and one water of Constance/ archedeacon of Oxeforthe. And trewely the first two Hugh Cardinal & Raufe Flauiacense/ expoundinge the.xviij.chaptre of the Leuiticall/ shewe howe that chaptre dothe hange with tho thinges/that go before. Many misticall thinges, say they, hitherto the lawe hathe gyuen to the olde people of the Jues to obserue and kepe/ wherin onely was a shadowe of our faith and maners/& not the very truth in dede: and as for here the lawe instructeth and teacheth the people, and gyueth them mo preceptes, wherby they may knowe what belongeth to good maners, to vertue, and honestie. For those thynges, that folowe here, must be euen so vnderstanden/as they be spoken, wherwith the people/ whiche had nowe betaken them selfe to an other lorde and maister, is informed and taught/ to the intent/ that they for theyr lyttell power/ shulde endeuer them selfe to do some good/nor shulde not be content with the beuye bourdon of bondage/ and to be vnderneth sacremétes, or signes and tokés of sacre & holy thinges/the whiche shulde

ſignifie and betoken iuſtyce and goodnes, not in them ſelfe, but in other men. Euen lyke wyſe as if a Currour or poſte ſhulde carye any kynges letters into farre countreis, by the whiche he ſhal ſhewe other, what they ſhall do, and yet he ſhal not do the ſame him ſelfe. And this ſame Flauiacenſe a litell after, ſaith thus. Al though, ſaith he, that theſe mariages here forbydden in forne yeres at the begynnyng of the worlde had a certaine facion of their holines/neuertheles bicauſe in proceſſe of time the vertue of continence and chaſtitie, and refraynynge of bodily luſte and pleaſure/ was to be promoted, ſet forwarde, and encreaſed/and the licence and lybertie of mariage to be reſtrayned more ſtraytely, and not ſo at large as it was wonte: this Leuiticall lawe was made to forbyd ſuche maryages betwene them that be nygh of kyn and of affinite/ for the encreaſſe of honeſtie and vertue, bicauſe that it was more comly to abſteyne from ſuche maryages. And who ſo euer after this goddes forbod/preſume to enterprize any ſuch mariage, he is a tranſgreſſor of the lawe/and doth ron in to the abhominable crime & ſyn of inceſt.

Further-

Further more Rupert also, If thou askest, sayth he, whiche be those vncleanly beastes, spoken of in the olde testament/ that god doth hate, they be these, you shall not do after the custome and maner of the londe of Egypt/ where as you haue dwelled/ nor after the custome and vsage of the countrey of Chanaan, into the whiche I shall bryngе you. And afterwarde he sheweth their customes, saynge: No man come nygh to her/ that is next of his bloudde. For these verely be the vnclenly beastes/ these be the caroginous and stynkinge beastes, whiche the people of god is bounde not to eate/ that is/ not to admitte them in to their company. For all those persones, that do such thynges/ that commit suche vnclenly and vnresonable & beastly vices, that discouer the foulenes or preuities of their mother, or father, that discouer the shame of their syster, other by the fathers syde, or by the mothers syde/ those men I saye/ that do these thinges, and in any maner of meane discouer the foulnes of their kynsfolke, and do vncouer the foulenes or priuities of a womá, that hath the floures: that haue a do with

their neighbours wyfe/ that gyue of their sede vnto the image of Moloche/ and do translate it vnto hym by fyre: these, and al suche other workers of wickednes, be defyled and vncleane, vnto whom nothing is cleane. For these thynges/ accordynge to the true sayenge of the gospell/ do defyle and pollute the mā. For that, that cometh into the mouth/ as meate and drinke/ doth not defyle or pollute a man. And we waste no time in these forbiddinges, that be here rehersed/ to serche out the depenes & profoundnes of mysticall meaninges or vnderstandynges of these wordes. for they be plainly iuste and rightwise: and the reason why they be so/ is open and playn at euery mans eie/ and easye to se/ by cause they do bryng great rest and quietnes of conscience to the herers/ but rather I shulde haue said/ to the doers and the folowers.

¶ More ouer Hugh of saint Victore saith thus. The fyrst tyme, whan god dyd make mariage, he dyd forbydde vs onely to contracte matrimonie with .ij. persons, that is the father and the mother. afterwardes whan he ordined mariage/ the secōde time/ whiche was done by the lawe, he dyd excepte

cepte certayne other persons/both bicause nature shewed vs/ that it was comely so to be/ & also for the increase of shamefacidnes and chastite. Therfore I thynke/ that excepte these forsayde mariages/ where in nedeth regarde of shamefacidnes and chastite to be had, bicause of the horribleines and foulenes of the same: that in al other if any man by ignorance & vnwittingly by chaunce offende in any woman/ as longe as he doth not knowe it, no man can denie, but bit shall be called a lefull mariage, if that it be lefully done after the determination of the churche: so that I excepte euermore all suche maryages, in the whiche we muste nedes haue regarde of shamefacidnes and chastite. Therfore let no man obiecte vnto me the mariages bitwene bretherne and systerne, or any suche other, with whom if any persone do mary ignorantly and vnwittyngly/ this ignorãce can not excuse them, in that thynge that they do. These be horrible and terrible, and no reasonable nor excusable dedes/ in the which though there be any thing done by ignorance, yet for all that shamefastnes and chastite is disteyned and loste.

¶Beſyde all this ſaynte Hildebart, ſomtyme the byſſhoppe Lenomanenſe / in a certayne epiſtle to the Archebiſſhoppe of Roan wryteth vnder this maner. As your letter ſheweth, waters doughter of Wedu an/whiche is maryed to the coũtie of Woriton, men ſaye that ſhe is very nygh of bloudde vnto him, and before that the forſayde perſones were maryed to gethers, water ſecretely came and tolde me of the kynred betwene them/and craftly did aſke me counſayle / what I thought in it. We thought it very good, be ſayde/if loue and charite, that ſhulde come by this mariage myght ceaſe the warre, that the Erle had cruelly made agaynſte him of longe contynuaunce. We ſayd more ouer/that you and other prelates of your prouince/had a certayned him by writynge / that this abhomination of kynred myght be ſuffred / for this entent, that he, the Erle, whiche had ben longe at warre myghte come to peace and quietnes / wherevpon he deſyred alſo the conſent of our churche Lenomanenſe/ vnto the mariage that was then to come, that by the auctorite of that church alſo/ he mighte ſtablyſſhe and make ſure his

doughters

doughters mariage / if that at any tyme it ſhulde fortune a diuorſe to be ſued agaynſt her: but he could in no meanis make me to agre to it, nor J coulde in no wiſe perfectly beleue, that your wiſdome had fallen into the ſymplenes or vndiſcretenes of them, whom the apoſtoll dothe rebuke / by cauſe they ſey / Let vs do noughtly, that therof may come good. And therfore, as for my parte / J was ware and circumſpecte. He requyred my conſente: and J ſente hym worde / that J wolde neuer agree vnto it, nor wolde not ſuffre / for regarde or conſyderation of any cauſe of dyſpenſation that coulde be, perſons of kynred or affinitie to contracte vnlefull and forbidden maryage. And it ſhalbe longe to his cure and charge into whoſe pariſſhe or dioceſe it is knowē, that this woman is departed / to withſtōd and be agaynſte this mariage / euen vntyll it be diuorſed.

¶ Agayne the ſame Hildebart was ones aſked of the biſſhoppe Sagiēſe / and of an other certayne Archidiacon / if two were ſpouſyd and hande faſte to gether, and the one of them dyed, whether the perſone a liue may enter matrymony with the ſyſter

or brother of the deade? he aunswered on this wise: If credēce be to be giuē to mē of auctorite/mariage is made by consent, not by myngynge of bodies. wherfore saynte Ambrose sayth/ She that is despoused/or hath made promyse vnto the man/ hath taken the name of a yoked or maryed woman. For assone as she doth yoke her selfe by promyse vnto the man/ and he to her agayne: then this promys of bothe sydes taketh the name of yokinge or maryage, not whan the mā knoweth her, by hauinge to do with her. For it is not the takynge a weye of the floure or beutie of the womās virginite, that maketh the yocke, but the bargayne, agrement, & cōsent to be yoked. For whan the womā is yoked by her promise or is handfast, then is the yokynge or mariage, not when the man dothe knowe her by hauynge to do with her. ¶ Furthermore Isodore writeth: They be called more truely yoked to gether/ for the fyrste sayth and promise of spousage, all though they be ignorant of medlynge to gether. ¶ Also Nicolas writing to the bisshoppe Hyncmare. The onely consent, sayth he, betwene them/ of whose mariage thou doutest

teſt/is ſufficient by the lawe. The whiche conſent alonely if it lacke in mariage/ than all that euer is done beſydes forthe, is of none effecte, yea though they haue had to do to gether/ as Johñ Chriſoſtome/ the great doctour/doth witneſſe, whiche ſaith, VVIL, maketh mariage/ & not medlynge to gether. And therfore it is written in the Liuill law in the boke of the conſtitutions. If a man vpon affection and mynde to marye leade a woman home to his houſe before there be any wrytynges made of the dowery/that he ſhall haue with her, lette hym not be ſo bolde to diuorſe her frome hym/tylle he hath ſhewed a laufull cauſe of diuorſe. Theſe thynges, ſayth Hildebert/if thou had diligently conſidered/forſoth this mayden ſhulde not haue entred maryage with that man, vnto whoſe brother ſhe was coupled before by ſolenne mariage, and was ioyned vnto him by cõſent, all though dethe, not loked for, dyd lette the ſecreſis of mariage. For who ſo euer do contracte ſuche matrymonie/ in no caſe can be ſuffred by any diſpenſation/ but muſt be puniſſhed by the rule of iuſtice and right. And of ſuche mariages as theſe be,

thou ſhalte fynde in the counſayle Tribu-
rienſe. A man was handfaſt to a woman,
with whom he coulde not haue the ſecre-
tes of maryage: that ſame woman/ his
brother dyd priuely defyle and gette with
childe. It was decreed & determined/ that
how be it ſhe coulde not be maried to the
brother, that was her leful huſbande/ yet
for al that the other brother, that had got
her with childe, can not haue her/ bicauſe
ſhe had made promyſe before to his bro-
der: but both he & ſhe/ that haue cõmitted
adultery/ let them haue the punyſſhement
of their fornication/ and let them not be de-
nied to vſe lauful mariage/ the man to ma-
ry laufully to whom he wyll/ and the wo-
man alſo. For our fore fathers/ by cauſe
that maryage ſhulde be done with hone-
ſtie/ and the mariage bedde without ſpotte
and vncleannes, they haue very diligently
prouyded here before/ that a woman/ whi-
che had made promyſſe, and was ſpouſed
vnto the one broder/ coulde not be maried
to the other broder: and he that was con-
federate, or be troutbed, to one ſiſter/ ſhuld
not mary the tother ſiſter. For by ſuche li-
bertie and licence through the craſte & diſ-
ceyte

teite of the deuyl/there might come many vnhoneſt & beaſtly or incestuous mariages/ whiche be ceaſſed/al the while that the forbiddinge of the lawe is obſerued.

¶ And to the ſelfe ſame purpoſe, ſaint Iuo ſometyme biſſhop Carnotenſe, wrote vnto Leſiarde biſſhop Sweſſionenſe. you know wel inough, ſaith he, that I neuer allowed the maryage betwene Peter / the ſonne of Beruaſe/ and of Galeranes doughter of Brutule/ and that I neuer gaue counſaile/ nor dyd neuer conſente/ that it ſhulde be done. yea whan that Galeran, the maides father coũſayled me in this matter/ I gaue hym counſayle, by Drogon clerke/ vtterly to the contrary, that it ſhuld in no wiſe be done, bycauſe that ſuche mariages might not ſtande / if there were any / that wolde breake it. I added alſo the ſayinge of the lawe, that one mã can not be maried to. ij. ſiſters, likewiſe as one woman can not laufully be maried to. ij. brothers. For Sinegund/ the ſiſter of this maiden/ whom this forſayd Peter hath nowe maried, was the ſame ſelfe Peters wyfe, not only made ſure and handfaſte vnto hym by promyſſe/ but alſo yoked and conioyned by the preeſtes

benefon

beneſon and prayer. And if you lay againſt me/that ther was no yoking or mariages/ where it is well knowen, there folowed no carnall medlinge betwene the man and the woman: I anſwere by the auctorite of the fathers, that the yocke and maryage can neuer be vndone/ ſeinge there was ones a ſtedfaſt conuenant & promiſſe of yoking or mariage betwene them. wherfore, as ſaint Auguſtine ſayth, the aungell ſayde true to good Joſeph: Feare not to take Marye thy wyfe to the. for he dyd truely calle her Joſephs wyfe, whom he had not knowen by ſecreſye of maryage/ nor neuer ſhulde knowe. And whan he had brought many auctorities of the fathers/to this pourpoſe, the whiche were cited before of Vildebarte, It is, ſayth he, a canonicall lawe, that no man can marie that woman, whiche hath made promiſſe of mariage to an other man. Nor contrarie/if the man that hath made promyſſe, wolde be maryed to an other woman. For bothe the lawes of god and man forbydde theſe promyſſes to be broken. ¶ This ſame ſaynte Juo alſo writeth to Odon, the archidiacon. Euen from the begynnynge of the worlde, ſayde he

he, the ſacrament of maryage remaynethe ſtyll as of the lawe of Nature/ and in no poynt broken nor changed/ ſo that nother original ſinne, or Adams treſpas toke that away/ nor the iudgement of drownyng the worlde/ wherby ſynnes and naughty thinges were waſſhed away/ dyd take away or chaunge maryage. Therfore that thynge that is ordyned by the cõmaundement of god/ & that god wold haue to be vnchaungeable/ ought not be broken by no mannes commaundement/ except the mariage were made without conſent of the parties/ or els dampnable of it ſelfe, that is: falſely forged and vntrue/ or els inceſtuouſe and agaynſte Nature and kynde. That if any of thoſe thinges do chance/ there muſt be no delay/ but ſuche mariages muſte be healed out of hande by departing and diuorſe. Therfore though the kyng do promiſſe, that he wyll forgyue many diſpleſures/ done vnto hym, and leaue many diſpleaſures/ that be intẽded, and that he woll do many good thinges and many pleſures, if he may kepe ſtill for a tyme this woman/ whiche he vnlaufully hath/ and the ſeate apoſtolyke to be cõtent withal, and he to be ſtyl in the company

pany of christian men: yet for all that I say and aunswere vnto you thus, by the auctorite of god and diuine scripture, that it is not possible for him to haue forgiuenes of his synne, gyue he neuer so moche, or do he neuer so many good dedes in recō/pence, as longe as he hath wyll and minde to abyde in the same synne, acordynge to the sayinge of the appostel: There is none hoste, sacrifyce, nor amendes, nor forgyue-nesse, for the synne of them, that synne wylfully. whiche in other wordes is as moche to say, that no persone, hauynge wyll and mynde to contynue in his synne, can haue forgyuenes of his synne by any maner of almes, or by any maner of good dedes, or by any maner of offrynge, or be-stowyng of his goodes. wherfore we rede that our lorde also did answere Cain, whā he offred vp his goodes, and for all that did intende murder: yf thou, sayde god, doste offer a ryght, and doste not diuide a ryght, thou hast synned. Leasse & leaue of: as though he had sayd, thou dost synne, bi cause thou dost not departe & diuide wel, which dost bring me thy goodes, & thīking vpon murder, dost take frō me thyne owne

selfe

selfe which art better to me thā thi goodes.
¶ Wherfore also that good Pope Gelasius saythe. It is not redde, syns Christes relygion began, nor there can none example begeuen in the churche of god / that this thinge was euer done or euer cōmaunded to be done, other of any byssh hoppes, or by the apostels them selfe, or els by our lorde & sauiour him selfe: that any man shulde be assoiled frō his syn / that intended to cōtynue in the same, & dyd not fully purpose for euer to forsake & vtterly to renounce / bothe that & al other synne / or thinge that shuld displese god. ¶ More ouer the same saint Iuo did write vnto Hery kyng of Englād / that wolde haue maried his doughter to one Hugh, a kinsmā of his, answerig i this wise. Bicause it is not comeli, that so noble bloud shuld be steined with so opē iceste, & that the wyl & minde of carnal psons shuld thorow this bestly exāple be encoragid to cōmit like inceste & mariage again nature & kinde: for the reuerēce, that we haue vnto you / & true loue, that we bere you, we desire to admonisshe your maieste before / that while you may do it with your honestie, you suffre no such mariage to be made:

leste

leste that suche mariage / seinge it is presu-
med to be agaynste the lawe, be worthily
and of right broken and vndone agayn by
the lawe. And doubtles it becommeth not
a kynges maieste to cõmit any suche faulte
in his owne persone / the whiche ought to
be punyssed in other with the rygor and
extremite of the lawe. For sothe we can in
no case swarue from the course and ordre
of the lawe. If we se our parisshon / or one
of our diocese cõmitte any abbomination /
specially in mariage / bycause of the decree
of the seate apostolike: VVE reserue no
maner of forgyuenes / no maner of perdon
or dispensation for incest mariages / & suche
as be against nature and kynde, vntil they
haue healed their adultery by departynge
and diuorce. For seynge that we do reue-
rence and feare the power of temporal kin-
ges: mocbe more we are bounde to reue-
rence and dred the almighty power of the
euer lastynge kynge. And by this meanes
we may gyue Cesar / that is Cesars, & god
that is goddis.

¶ And the same saynt Juo answered one
Beffrey the erle Vindocinense / desyrynge
to haue to wyfe Matylde vycountesse of

Blois

Blois/ whiche was maryed before to one Robert/ kynsman to the sayde Geffrey: I cómaunde, sayth he, and by the lawe of Christe I forbid the to contract this bestly vnkinde or vnchast mariages/ which thou canst nother defende by the law/nor yet be gette by them laufull heyres, that by the lawe can succede the.

¶ And he agayne wryteth to Damberte/ the Archebysshop of Senon/of a knight/ whiche before laufull maryage with his wyfe/laye with her syster, and dyd confesse his faute openly, wherevpon saynt Juos wordes be these. I answere vnto your fatherheed/that thinge, whiche you knowe well inough/that if he had brought vp an opẽ infamy and sklander/and that against an honeste persone/that hath deserued no suche thing/hereafter he can nother accuse nor yet be wytnesse. But bycause no man, that is gilty, can make no confession, except it be of some naughtie thynge, we can not denye, but we ought to receyue and take suche confessions, as they that be penitent or sorye for that they haue myssedone, do make against their owne selfe/for the feare and drede of god/and for the helth of their

owne soules. nor we deny not also, but that we ought to ioyne them lauful penáce/the whiche if we shulde deny them/we shuld caste them euen to the mouthe of the inuisible wolues to be deuoured. And if we suffre suche accusors of them selfe lyghtly to passe/ and to skape withoute punysshement, the goodnesse and honestie of mariage/ whiche frome the begynnynge was cõmaunded to be kepte holyly/ bothe by nature, and also by lawe, we putte it perilously in daunger to be steined and distroyed. Bicause therfore that the ende of all stryfe and controuersie/ that belongeth to the determinacion of the Churche, is an Othe, after the sayenge of the apostel/this confession muste be confirmed/ and proued by seuerall othes of euery persone/ and by vi. sufficient and honest persones: the whiche either were present, & knewe the thinge done, or elles maye by prose of that/ that they beleue and thynke lykely/affirme and vpholde the trouthe. Bycause that newe kyndes of diseases compelle vs to seke experience of newe medicines. Therfore whã this confession shall be thus confyrmedde and prouedde/ than it shall be open and

playne

playne, that this mariage is vnchaste, and vnkynde. And we reserue no maner of forgyuenesse for vnchaste mariages / after the canons, vntyll they haue healed suche synfull mariages by departinge and diuorse. And he that did contrarie to the lawes of matrimony, and did accuse hym selfe, lette hym abide vnmaried, either for euermore, or at the least til the time that he hath fulfylled his penáce. This alweys vnderstād, that the woman, whiche shal be diuorsed from hym, lese not her dowere, whiche is the price of her chastite. And by this meanes we shal do al, that his cōfessiō requireth: and shal make a profitable and a sufficient prouision for the honestie of mariages for the tyme to come.

¶ Finally walter of Lonstance, Archidiacon of Oxforthe, wrote vnto the bysshop of Exceter worde for worde, as here after folowethe. Seinge that bothe great lernynge, and also vse and experience of matters, hath made you wise and circumspect in iugement and decision of causes, we maruayle, & other also, whiche be very wel lerned in both the lawes maruayle / wherfore you haue so longe time differred to make a

diuorce betwene Roberte and Jsmen his kynswoman, specially seing that you haue expresse cõmandement of the Pope for the same, and seynge that holy Canons do repute and compte it for a damnable and abhominable synne/ to suffre suche persones to dwelle to gether. Trewely there were brought forthe laufull wytnesse, and suche as no exception/nor refuse or chalenge can be layde agaynste them: whiche if they haue not made full prose vnto you in this matter/ than (as well accordynge to the clause of the Popes letters / where as he saythe, you may proue the matter by many other/as also by auctoritie of Fabian and Celestine/and other holy fathers) you muste admytte them, whiche after these forsayde men, be moste nigh vnto you/and of moste sage counsaile/that suche diligent inquisition and serchynge out of the truth may be a lanterne to your feate, that you may tourne iustice into iugement. For the more abhominable and beastly synne that incest is, so moche the more scrupulouse & curious you must be / to synde out the certeinte of this kynrede: so that in makynge the diuorce, the iuges sentẽce do not wauer

or

or hange doutfull. It is not leful for a iuge in this matter to diſſemble or to vſe any cloke or colour/ and to make as he dyd not knowe that thing, that he knoweth in ſuch a matter/ wherin ſtondethe the perylle of mens ſoules. Moze ouer there is one thing in this matter/ that troubleth vs aboue al. For wher as the ſaid Robert is myn eldeſt brothers eldeſt ſon/ and bicauſe that al the progenie of our ſtocke dothe hange vpon hym, as of the heed/ by reaſon of his father: we feare leaſte this ſynne of inceſte or vnchaſte mariage ſhulde paſſe from hym into his poſterite/ and to al that euer ſhuld come of hym. For all the holle ſucceſſion and generation ſhall receyue and take coz-ruption and infection/ if the membzes come not laufully and without cozruption from the heed: if the riuers come not pure from the ſpzyng/ and the bzaunches without coz ruption from the body of the tree/ as holy ſcripture alſo dothe witnes, ſayinge: The childerne of inceſte perſones be abhomina-ble before god. And as ſaynte Gregorye dothe playnly ſaye, There cometh no lau-full noz good iſſue of vnchaſt or inceſte and vnkynde medlinge to gethеer.

¶ Nowe for to come also to the scole doctours / whiche do vpholde and mainteine bothe with great nombre / & great consent / this iugement of these forsaid fathers, vpō the Leuiticall prohibitiōs. Forsothe saint Thomas saith. In cōuersacion of persons, that be of kynrede or of affinite, we fynde that ther shuld be no venereous medlyng, for. iii. resons. And first bicause that naturally a má oweth a certayne honor & reuerence / & feare to his parentes, and therfore also vnto other of his kyn, which come very nigh of the same parentes. In so moche that in olde tyme, as Valerius Maximus sheweth, hit was not leful for the sonne to baath in one place with his fader / lest they shuld se eche other naked. And it is manifest, that in venereous dedis / there is a certaine foule vse of medling and homelyness / whiche is cōtrarie to honour & reuerence. wherfore men do blusshe & be asshamed of suche dedes. And therfore it is vncomely, that there shulde be any suche wantonne medlynge betwene suche persones. And this reason semethe to be expressed in the xviij. chapitre of the Leuiticall / where it is sayde: She is thy mother / thou shalte

not

not vncouer her foulenes or priuetics. And the same selfe thynge is sayde there also afterwardes on other persones. The seconde reason is, bybause persones that be of one bloudde/muste nedes be conuersant and in company to gether. wherfore if suche persons shulde not be forbidden to vse suche wanton pastimes/one with an other/men shuld baue to mocbe opportunite and occasion to vse suche lustful intermedlyng. And so the stomakes of men shulde be out of courage, and their hartes cowardelike, and as it were womás hartes, by the meanes of lechery and beastly pleasure of the bodye. And therfore in the olde Leuitical lawe, those persones seme specially to be forbydden maryage, whicbe muste nedes dwell to gether. The thyrde reason is/bicause that by suche mariages/shulde be lettedde the multyplyenge and increace of frendship. For whan a man dotbe take a wyfe/that is a straunger to bym/all the kynsfolke of his wyfe be knytte vnto bym by certayne frendeshyppe and loue/as if they were his owne kynsfolke. wherfore Augustin sayth, There was very great regarde taken of loue and charite/and that

accordynge to rygbt and reaſon, to the intent that men, vnto whom loue and concorde is bothe profitable and alſo honeſte/ ſhulde be knytte to gether by ſondry degrees of kynred. And that one man ſhulde not haue many/ but ſondry to be diſſeuered in ſondry perſones. And Ariſtotell, an heathen man/ in the. ij. boke of the politikes, putteth to, the. iiij. reaſon/ bicauſe that where a man doth loue his kinſwoman by Nature/ if there ſhulde be put to the loue that cometbe of bodely medlynge/ there ſhuld be to mocbe beate and feruentnes of loue/ and to great a prouocation of fleſſhly luſte, whicbe is contrary to the chaſtite of mariage/ where ſucbe paſtime is to be vſed for neceſſitie, and not for pleaſure. Thus ſayth ſaint Thomas bere. And in an other place be ſayth thus, That thynge in mariage/ is cleane contrarye to the lawe of nature, wherby matrimony cometh not vnto the ende/ whicbe it was ordyned for/ by cõuenient meanes. And the chiefe and fyrſte ende of mariage of it ſelfe, is the good or benyfite of iſſue/ the whicbe doubtles by ſome certayne degrees of kynrede is lette/ as betwene the father and the doughter,

the mother and the ſonne, not bicauſe that iſſue here is vtterly taken a waye, (for the doughter maye haue iſſue of her fathers ſede, and nouryſſhe it vp with the father/ and teache and inſtructe it, in the whiche thyng ſtondeth the benifite of iſſue) but by cauſe that this ende of mariage, that is to haue iſſue & childrē, can not be brought to paſſe in this caſe by any lefull & honeſt maner. For it is ageynſt all good ordre & reaſon/that the doughter ſhuld be coupled bi mariage with her owne fader/to be his cōpanion to bringe hym forthe children/ & to brynge them vp, ſeinge that ſhe ought to be ſubiecte to her father in all thynges, as that dothe come of hym, and hath her beinge of hym/ and therfore by the lawe of nature hit is forbydden, that any perſone ſhulde marie father or mother/& yet more with the mother, than with the father, by cauſe that hit is more contrarie to the honour and reuerēce/that is due vnto the parentes, if the ſonne take his moder to wife/ than if the father ſhuld take his doughter to his wyfe, bicauſe that the wife is boūde by the cōmandement of god/to be ſubiecte and obedient vnto her husbande.

¶But the seconde ende of mariage is repressynge and quenchinge of bodely luste, and concupiscence/ whiche restraint of carnall luste/though it be not the fyrst & chiefe ende of mariage/ but the seconde/ yet of it selfe it is an ende of mariage. And this ende also shulde perysshe and be loste/ if a man myght marye whiche of his kynswomen he wolde. For there shulde be opened a great wycket vnto lustes of the bodye/ except there were some restraint/ and flesshly medling forbidden amonge those persons, whiche muste nedes be conuersaunt to gether in one house. And therfore the lawe of god hath not only forbiddē mariage with the father and the mother, but also with other persons/ that be of our kynred, whiche muste nedes company to gethers/ and are bounde to conserue/ the one the others chastite and honestie. And the lawe of god doth assygne this cause/ sayenge: Vnheale not the foulenes of suche & suche persones/ bicause it is foulenes. But an other ende of matrimony not properly and of it selfe, but ioyned vnto it/ is byndynge and knyttynge to gether of men, and multiplyenge and increasse of frendshyppe, loue, and charitie,

whyle

while a man is in lyke maner to his wynes kynsfolke/as he is to his owne kynsfolke. therfore this increase of loue and charite shulde wrongfully take harme/if any man shulde mary her/that is knytte vnto hym all redy by bloudde. For by this mariage there shulde be none increasse of any newe frendeship loue and charite. And therfore by the lawes of man/ and also by the estatutes of the church/there be many degres/ in the whiche folke are forbidden to mary. ¶ And saynt Thomas sayth in an other place on this wyse. Accordynge to dyuers tymes it is founde, that kynrede hath lette mariage in diuers degres. for in the beginnynge of mankynde father & mother were onely forbydden to marye with, by cause there were fewe men/ and of necessite men were boũde to do al their labour & diligẽce that they coulde/ for the increase of mankinde. & therfore there were no more psons to be except, but those/whiche were not fit to be maried withal, & I say fit, as concerning the principal ende & cause of mariage, which is the good or benifit to haue issue & childrẽ, as I said before. But afterwardes/ whan mankinde was increased and multiplyed,

plied/there were many mo persons excepte by Moses lawe/whiche began euin at that time to restrayne and refrayne mans concupiscence & luste. wherfore (as sayth Rabbi Moses) al those persones be excepte from mariage/ whiche be wonte to dwelle to gether in one house. For seinge it must nedes be, that they/whiche come of one parétes, or of one father and mother, bothe men & women indifferently, company to gether of lōge tyme in one house, plainly they shuld haue great prouocaciō & stirringe to flesshly luste/if it were not forbidden, that there shulde be no suche medley betwene those persons. And now, whan that they thinke sureli and beleue, that there can in no meanes mariage be contracte & made betwene them laufully, streight wayes that filthie luste and plesure is quenched & ceassed/nor doth not prouoke nor stirre their myndes any longer/ to desyre tho thynges, that be vnpossible, & can not be done. wherby they instructe and taught to tame and refrayne their fylthy desire, as it were by a certayne former exercise & practise, and assayenge of them selfe: no doubte but by this custome they shal the better absteyne afterwardes from

from other women. for (as saynt Augustin saythe) custome to a thynge maye do very moche / either to prouoke mans appetite / and to make him haue a lust or desire to it, or to turne away his appetite from it, and to make hym to abhorre it. And therfore seinge that custome doth kepe in ¶ restrayn our vnmoderate luste and concupiscence in this matter: men do well to iudge / that it is a shamfull thynge to breke and corrupt it. For if hit be agcynst right, for desire of possession, to passe or breake the buttels of londes: howe moche more vnrightfull is it, for the lustnes of bodely plesure, to passe or breake the buttayles of good maners ¶ customes? ¶ Furthermore saint Thomas sayth agayne / in an other place. Affinite, that is betwene persones before mariage, doth let the mariage / that is to be contracted, and dothe breke the mariage / that is contracted al redy / euen like wyse as dothe consanguinitie. ¶ And in an other place. Infidels or vnfaythfuls, that be not baptised / be not boũd to the lawes of the churche / but yet they be boũde to the ordinance of the lawe of god. And therfore if any infidels shulde cõtracte within the degrees for-

forbydden in the .xviij. chaptre of the Leuiticall/ contrary to the lawe of god, whether both .ii. or one of them be conuerted to the feythe/ they may not byde styll to gether in suche maryage. but if they haue contracte with in the degres prohibite by the ordinaunce of the churche, they may abyde styll to gether/ if bothe of them be conuerted and tourned to the faithe: or if the one be tourned/ and there is hope, that the other also wyll be conuerted.

¶ More ouer and beside all these thinges, the same saint Thomas/ where as he goth aboute to shewe what is the Popes auctoritie/ and what thynges be in the Popes power/ & what thinges be not: The Pope, saithe he, hath full power in the churche/ that is to be vnderstanden, that the Pope may dispense with all maner of thynges/ that be institute & ordeined by the church, or by the prelates of the churche, for these be tho thynges, whiche are saide to be of the lawe of man, or of the lawe positiue, which be no suche maters/ that they binde of them selfe/ but only by cause they be cõmaunded. But in suche ordinaunces, whiche be of the lawe of god/ or of the lawe

of

of nature / the Pope hath no power to dispense: bicause these lawes haue strengthe and vertue by the ordinaunce of god / and they be vpon suche matters / that be necessarie of their owne selues vnto the helthe of mannes soule. And vnder this maner these lawes muste be obseruid and kepte in all cases / and euery man is bounde to kepe them without dispensation. For lyke wyse as in the comune lawe of man, no man can dispense / but he / of whom the lawe hath auctorite & strength / & that is the maker of the lawe / or els he / to whō the maker of the lawe hath giuen suche power: so in the statutes of goddes lawe / whiche be of god / & haue their auctorite & strength of god, no man hath power to dispēse / but only god, or he / vnto whō god hath specially gyuen suche power & auctorite. For euery mā, of what so euer auctorite or power he be / is in cōparison to the lawe of god / euen as a priuate pson, hauig no power nor auctorite / is in cōparison to a comun lawe of the people. Nowe the lawe of god is what so euer belōgeth to the new lawe of the gospell, or els to the olde lawe of Moses, but this is the differēce bitwen the two lawes, for the olde

lawe

lawe did appoynt & set fourthe many thinges/ and gaue many preceptis, about ceremonies and outwarde thinges, perteyning vnto the honour of god, and also diuerse preceptes of iugementes, that do serue for to kepe iustice amonge men: but the newe lawe of Christe/and the law of the gospel, the whiche is the lawe of libertie and fredome, hath no suche determinations, appoyntmentes, or boundes / but is contente with preceptes & instructions of good maners of the lawe of nature/and with the articles of the faythe, and with sacramentes of grace. And for this cause it is called the lawe of faythe/ & the lawe of grace/bicause it dothe determine, whiche be the articles of the faithe, and what is the vertue of the sacramentes. As for al other thinges, whiche perteyne to the determinacion and certeyne orderinge of suites and iudgementes betwene man and man, orels to the orderinge of the seruice of god: Christe/the maker of the newe lawe, did leaue them frely to be determined & ordred by the prelates of the church/and by the princes & kinges, that haue the rewle of Christes people. wherfore all suche maner determinations

and

and ordinances do perteyne to the lawe of man, wherin the pope hath power to dispense: but those thinges, that be onely of the law of nature, and in the articles of the fayth, and in the sacramentes of the newe lawe, he hath no power to dispẽse. for that shulde not be to haue power for to meynteine the truthe, but to haue power to distroye the truthe. ¶ And a littell after he sayth, that the apostel in his doctrine gaue instructions two maner of wayes. for some thinges he taught, not as his owne, but as publisshing vnto them the lawe of god, as is this: If you be circumcised, Christe shal helpe you nothinge at all/ and many suche other thinges: and in these the pope hath no power to dispense. And certain thinges he techeth, as makinge ordinances by his owne auctorite & power. For he saith: whã I come, I shal set an ordre vpon the other thinges. Also he cõmaunded/ that the getheringes of money for poore people shuld be done on one of their holy days, or days of reste: the whiche perteyneth not to the lawe of god. And like wise also where he writeth, that he, which is bigam⁹ or twise maried, shulde not be promoted to prest-

hod: that is not of the lawe of god/but an ordinaunce by the auctorite of man/gyuen vnto hym by god. ¶And hytherto we haue rehersedde the wordes of Thomas. Nowe beside hym Altissiodorense saythe thus. Euery persone is laufull to contracte mariage with any other pson, by the lawe of nature, a fewe excepte, as the father and the doughter / the mother and the sonne: whiche were except at the beginninge. And excepte those persones also / whiche be except by the Leuitical. For those preceptes/ that be there/be no iudiciall preceptes/but moral/and perteininge to vertue and good maners. ye and we calle them morall preceptes, or rules of vertue, not of mans teachynge, but euen of nature. And we saye more ouer/that al preceptes of moralite naturall can not be chaunged, nor dispensed withal, as touchinge the substance of vertues. But by the lawe positiue/or the lawe of man/ matrimonie in tymes passed hath ben forbidden, vnto the. vii. degree of consanguinitie or kynrede: but nowe a dayes onely vnto the. iiii. degree. ¶Ageyn Peter of Palude resoninge, whether the pope hath auctorite and power, for to releasse & dispense

dispense with these Leuitical prohibicios. The pope, sayth he, hath no power to dispense in the fyrst degree of affinite/ no more than he hath in the fyrst degree of consanguinitie: bycause that it is contrary to the lawe of Nature and of god also. For we do reuerence vnto our fathers wyues/ as we do to our owne mothers. Maryage also is forbydden by the lawe of god betwene these persones/ whiche be in the first degree of consanguinite or affinite/ not the one streight aboue the tother/ but the one of side halfe to the tother, as brother & syster. and therfore in this degree also the pope hath non auctorite to dispẽse/ bicause that this dispensation also is some wise agaynst nature. And therfore the loue and bonde, that is betwene suche persons naturally/ doth not suffre vs to suspect or surmyse/ that there shulde be any heuy crime commytted betwene suche persones. And for this men beleue, that euen before the lawes of Moses, whã that mankinde was ones encreased/ other before the fludde, or after, they dyd absteyne from their owne systers/ and from their brothers wyues, but if it were to stirre vppe sede to the bro-

ther / that was deade, as it is manifeste in Thamar, and in Judas children. Nor it is notbinge ageynst this / that we say / that is writen of the wyues of Abraham & Isaac / whom their husbondes called systers / by cause doubtles they were of their bloudde or kinrede / euen like wise as Loth was called Abrahams brother, whiche was i dede Abrahams brother sonne, and not his brother. No more the Pope hath no power to dispense, that a man shulde marie the wife of his brother / although he died without children. For howe be it men were suffered to do thus in tyme passed: yet that was nat but by dispensation / yea and that dispensation was by the lawe of god, & not by no mā. For cōmunly by the lawe of god they did abstcine from their brothers wife / as from their owne sister: but it was suffered in that case. wherfore like wise as the Pope hath no power nor auctorite to dispense for a pluralite of wyues, al though it was suffred in time passed / bicause it was suffred by a certayne dispensation and priuilege granted by god, and was forbidden by the cōmun lawe: no more auctorite nor power hath the pope to dispēse in the mat

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ter/that we speke of/that a man may mary the wife of his brother/ departed without children/ for to stirre vp the sede to his brother: bicause that wher that thing was suffred afore times, it was suffred only by dispensation of god/ for a certayne tyme, lyke as it was to haue many wyues, & was forbydden generally by the commune lawe. Nor ageyn he can not dispense with them that be in the seconde degree, the tone aboue the tother: but on the syde halfe, as to marie with the father or mothers sister. for this is forbidden by the lawe of god.

¶ And with this dothe agre in this matter Antonine, archebisshop of Florence/ Jhoñ de Turre cremata/ some tyme Cardinall of saynt Syxt. for Johñ partly vpō the auctorite of Pope Innocent, and Peter of Palude/ and of Alexander de Vales, & partly of .iii. other foūdations/ or resons at the last/ after that he had cōfoūded his aduersaries sayenges and opinions, he cōcluded/ that al the degres of consanguinite and affinite, whiche be forbydden by the lawe of god, procede and come by the shewynge and instruction of naturall reason. and that therfore these preceptes were not

taken away in the tyme of grace, that is to say, whan the lawe of grace/ and of the godspell began, and that the Pope can not dispense with them. And the selfe same Johñ writeth/ howe that Eugenius and Pius, beynge Popes and rulers of the churche of Rome, when that the kynge some tyme of Fraunce and the Erle of Arminache did instantly desire the forsayde two Popes, that they wolde do them so moche pleasure, as to dispense with them/ that the Erle myght marye his naturall syster, and that the kynge might mary the syster of his wyfe, that was departedde: these forsayde Popes did cõmitte these. ij. matters vnto the presidẽtes of the audiẽce of the Rote of the courte of Rome, amõge whom was this forsaide Johñ of no small reputation/ and to all the other great lerned men/ whiche at that tyme chaunced to be at Rome/ that this matter shulde be examined by their lernynge and discrecion/ that is to wit, whether it was lefull for the Popes to dispense in these cases. And after that they had disputed longe tyme vpon this matter, and had taken as moche deliberation in it, as the thynge required, all

those

thoſe lerned and wyſe men / with one conſent and agrement / came to this poynte / gaue this ſentence, and made anſwere on this maner / that the Popes had no power nor auctorite to diſpenſe in theſe degrees. Their reaſone was this, bicauſe that theſe degres were forbidden by the lawe of god. The whiche verdit and ſentence was of ſo great auctorite and ſtrengthe, that afterwardes / when a certayne biſhop had forgid a falſe bull / by the colour and pretenſe of the whiche the Erle was maried vnto his owne ſiſter: the biſſhop was bothe depriued from his dignitie, & was cõdemned to perpetuall priſone. That if ſo be (quod Johñ) that euer any Pope had diſpenſed in theſe degres, bycauſe that either he was ignorant in the ſcripture of god, or elles all to blynded with couetous of money / whiche cuſtomably be wonte to be offered for ſuche vnreaſonable and ſhamfull diſpenſacions, contrary to all goddes lawe / and mans: or by cauſe he wolde pleaſe men rather then god: it folowetb not for all that / that he mygbt do it iuſtly and rygbtfully. For the churche of god muſte be ruled by rygbt and lawe, not by ſuche dedes or by

sone, that is ouer vs side wise.

¶ And thus also Asteran sayth / that the Pope can not dispense in the degrees / that be forbiddē by the law of god, in the. xviij. chapter of the Leuiticall: and yet in degres forbidden bi the lawe of man be may. Agayne / he saith. If vnfaithfuls haue cōtracte in any degree forbidden by the lawe of nature, or by the lawe of god: the mariage betwene them is no mariage, nor yet neuer was. For all be bounde to obeye the lawe of god / and the lawe of Nature, be they faithfull or other. And therfore after that they be conuerted to the sayth / they muste be departed. But if they haue contracte in any degre, that is forbydden onely by the churche / seinge that the lawes of the churche made for christian men be not extended vnto the vnfaithfuls or bethens, that were neuer baptisid / the mariage that was contracte betwene them was laufull. and therfore after that they be conuerted vnto the faith, they ought not to be diuorsed. And the same man saith furthermore, that if mankynde shulde fayle and decay, as bit dydde in the tyme of Noe: yet bit shulde not be lesull for the brotherne, by

their

their owne auctoritie/to mary their sisters, bicause it is forbiddē bi the law of god/but it might be lesul for them by the dispēsatiō of god. ¶Beside all this Johñ Bacon/ an englissheman/was in time passid clapped & whistled out at Rome, bycause a while he helde the cōtrari opinion, that is, that the Pope might dispēse with degres/ forbiddē bi the law of god. But at the last he knowleged his errour, and sayd, that the Pope had no power to dispense in the degrees forbydden by the lawe of god/in the. xviij. chaptre of the Leuitical. And afterwarde, whan he had asked this question/ whether we kepynge the Leuiticall lawe of the Jues, be our selfe Jues also or no, in so doyng/did make answere him selfe. That the lawe of the gospell doth admyt the lawe of nature. But naturall reason, dothe abhorre/that a womā shuld be subiect vnto a mā/which is her kinsman in the first degre. ¶Also walden/widforde/and Lotton, very christian and catholic authors/ reproue diuers other cursed heresies of wyclese/ and that stoutely, and with great profette of Christes churche: & amonge al other they do damme also this hereticall and more than

than phrenetical and madde opinio, where he did holde, as some wolde nowe a days, that these Leuitical prohibitions be onely iudicial preceptes, and that it is ordined at this tyme by man, without foundacion or grounde, that consanguinite betwene persons of side halfe: yea and more ouer that affinite in the first degree is an impediment and let of mariage: and they do clerely and plainly proue, that those Leuitical forbodes, whiche there do prohibite to vncouer the foulenesse of our kynne or affinite, that they be nat only no ceremones of the Jues, as wiclefe wold, but that eueri one of them euin at this day, do bynde all christiā folke by the lawe of god: and that by al right & reason they ought to be nombred amonge the moral preceptes of the .x. commaundementes. For walden sayth, that the Leuitical lawes do binde vs as well as they did the Jues, as concerninge the very substāce & pithe of the lawe, but not as concerninge the penalties put vnto them. For considerynge the lawes in them selfe onely, they be morall, and of the preceptes of the .x. commandemētes, and that euin to so many degrees, as be rekened vp there, al thoughe they

they be mere and vtterly iudiciall, as concerninge the penaltie adioyned. This lawe from the firſt begynninge of Chriſtes faith, by all the fathers, that haue ben hitherto one after an other/ was iuged to bynde, by cauſe it was the commaundement of god. And howe it is expired and vanyſſed awey nowe at wicleſes cõmynge / that it ſhulde be no more of the makynge or ordinaunce of god, but the handy worke and ordinãce of man: this thinge lette wicleſe and his ſcholers trie oute. Certaynly he dothe offende and breke the honeſtie and ſhamefacidnes naturall / who ſo euer diſcouerethe the priuey partes of his owne fleſſhe and bloud/ as it were the priueties of a ſtrange perſone. ¶ And the ſame opinion of walden Pope Martine the fyrſte did approue & confirme it/ and that not without diſcrecion & ſufficient deliberation. For fyrſt of al he toke it to the beſt lerned men he coulde fynde, that they ſhulde with all diligence they myght examin the ſayde opinion. and when it was examined/ alowed, and commended by agremẽt of all them, to whom the examination of it was cõmytted: than the Pope, by his auctorite and power did con-

sone, that is ouer vs side wise.
¶ And thus also Astexan sayth / that the Pope can not dispense in the degrees / that be forbiddé by the law of god, in the. xviij. chapter of the Leuiticall: and yet in degres forbidden bi the lawe of man he may. Agayne / he saith. If vnfaithfuls haue cõtracte in any degree forbidden by the lawe of nature, or by the lawe of god: the mariage betwene them is no mariage, nor yet neuer was. For all be bounde to obeye the lawe of god / and the lawe of Nature, be they faithfull or other. And therfore after that they be conuerted to the fayth / they muste be departed. But if they haue contracte in any degre, that is forbydden onely by the churche / seinge that the lawes of the churche made for christian men be not extended vnto the vnfaithfuls or bethens, that were neuer baptisid / the mariage that was contracte betwene them was laufull. and therfore after that they be conuerted vnto the faith, they ought not to be diuorsed. And the same man saith furthermore, that if mankynde shulde fayle and decay, as bit dydde in the tyme of Noe: yet bit shulde not be lefull for the brotherne, by

their

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confirme it.

¶ With these men doth agre / amonge the diuines Peter of Tarantase. Durade / Stephan Brulifer, Richarde de Media villa, Guy Brianson / Gerson / Paule Rice / and al moste all the schole doctours / whiche with one assent, do stedfastly holde / that Infydels or vnfaithfulles / al though they be not vnder neathe the lawes of the churche, yet they be bounde to kepe the lawe of nature, & of god. And therfore suche mariages, as they haue contract in any degre of consanguinite / that is forbydden by the lawe of god / be no mariages: and that thei muste nedes be dyuorsed. And they thinke that the contrary custome of certayne barbarous & bestly people do nothynge make to the contrary. For / saye they, the heate and feruentnes of carnall luste and concupiscence / hath ouer caste and blynded in them the preceptes and reules of the lawe of nature.

¶ And amonge the glosers and doctours of the lawe canon, Johñ Andre, and Johñ of Imola do gather and conclude, bothe by the wordes of the very text of the chaptre / Literas, and also by the wordes of the

glose

gloſes there / that the degres writen in the Leuitycall / be the ſame ſelfe degres / in the whiche Pope Innocent him ſelfe doth ſay, that the Pope hath no power to diſpenſe. And they holde vtterly / that theſe wordes THE POPE CAN NOT, be put there in their owne propre ſignification / and that this takynge and vnderſtandynge / to ſay / the Pope can not / and to vnderſtonde it / for, he wil not / or that it is not expedient / that this gloſinge dothe diſtroye the texte. ¶ And mayſter Abbate alſo doth holde the ſame opiniõ, ſayeng / that the preceptes Leuiticall be morall / and denyenge preceptes / whiche do bynde for euermore, that is to ſay / at al tymes: and that the Pope is neuer a boue this lawe of god. ye more ouer that he is bounde to defende it / and mainteine it with al that euer he can make and do, and to leaſe therfore / not onely all his goodes and landes temporall, but alſo his bloudde and his lyfe. And the ſame Abbate ſayth alſo in a nother place: I ſay, ſayth he, that the very wordes of goddes lawe muſte be pondered and wayed: and if this ſeconde degre be forbydden by the lawe of god / doubtles the churche can not diſpenſe

diſpenſe therin / and in lyke maner / ſeynge that bi the very wordes of the law of god, wayed and ponderd / the brother is forbid by the lawe of god, to take his brothers wyfe / it folowith / that the churche can not diſpenſe in that caſe / that a man ſhuld mary his brothers wyfe? The whiche thynge ſayth he, is worthy to be noted in practiſynge of the lawe / by cauſe of theſe great princes / the whiche do many tymes deſire diſpenſations of the Pope. And likewyſe / ſayth the gloſe in the Chapter, Pitatium, And Mathewe Nerew of ſaynte Gemin / in his laſte queſtion / of his tree of conſanguinite and affinite, dothe alſo folowe the ſame opinion, as the vniuerſall opinion of all the doctours of Canon. And Vincent, and Innocent, and Oſtienſe, and Abbate folow the ſame opinion. ¶ But here had nede to be ſome meaſure in citynge and rekenynge vppe of Auctors / for this worke ſhuld increaſe & growe to an infynit thing, if we ſhulde reken vp here all the names and ſayenges of all doctours, whiche with hande and foote, do approue and folowe this opinion of ours.

¶ And by the witneſſe & ſayenges of thoſe auctors

auctors, that we haue cited, thou mayste well and sufficiently knowe and perceyue, gentyll indifferent reder, fyrst that in those persones / whiche the lawe of god dothe calle nygheſt of bloudde / there can be no good and iuſte cauſe or excuſe / for the whiche it myght be ſuffred or diſpenſed with, that one of them ſhuld diſcouer the foulenes of an other / nor there can not be alleged any thynge ſo honeſte, that is able to couer the diſhoneſtie of this thynge.

Seconde, that all ſuche foule medles dothe ſo defyle and corrupte vs, not onely outwardely / but alſo inwardelye / and in our ſoule, euen after the trouthe and teachynge of the goſpell, that we ſhall haue no reſte or quietnes of conſcience here / and afterwarde ſhall be ſure to haue euerlaſtynge damnacion / excepte we forbeare ſuche mariages. Thyrdly / that theſe mariages / whiche be made contrary to theſe Leuiticall prohibitions, be ſo full of horrible abbomination and foulenes, ſo openly contrarye vnto the actes and dedes of vertue morall, as be reuerence and honour to our parētes and kynne / chaſtite / loue / and charite: yea and more ouer, they be playne a-

gaynſt the endes and cauſes for the which matrimonye was ordyned / that they be not to be excuſed for none ignoraunce / nor to be ſuffered, wolde a man gyue neuer ſo moche / or do neuer ſo many good dedes in recompence: nor that they be not to be let ſtonde for regarde of no maner of diſpenſation, no not though it were to make peace betwene great princes / but that thei ought and muſte be punyſſhed by the ſtreyte ordre of iuſtice.

¶ Fynally that euery one of thoſe prohibitions of mariages, whiche be commanded in the Leuitical / be commaunded for a playne and a clere reaſon of iuſtice and honeſtie, that is in them / and that is apparēt, and euident at the eie without any miſtical meanyng or vnderſtandynge. ye and more ouer that it is vtterly a poynt of hereſye / to ſaye / and holde that they be not but iudiciall ordinances of Moſes, and that they be at this daye abrogate and taken awaye / as wyclefe did holde, and that they ought to be obſerued and kepte with al reuerence amonge all chriſtian people, as morall preceptes of natures teachyng / and that man in no caſe can diſpenſe with them.

And

¶And amonge al/ there is one thing, that I wold haue the/ gentyl indifferent reder/ specially to marke/ whiche dyuers of these holy & approued doctours do holde also/ that the brother can not marye a woman/ that is but onely handefaste vnto his brother/ & if he do/ the mariage can not stande by helpe of any dispensation, and that all suche mariages must nedes be vtterly broken, leste carnall persons shuld apply their mindes, and be incouraged by suche bestly exemples to do likewise.

¶And in this opinion both Lire him selfe is, whiche saith that Adonias, kinge Dauids sonne/ dyd synne, and dyd agaynst the helth of his owne soule, and contrarye to the lawe of god, written in the Leuiticall, and that therfore he had well deserued to be slayne of Salomon his brother/ beynge kyng/ bicause that he desyred to haue Abisaac, one of the spouses of Dauid his father: and yet Dauid neuer touched her, but lefte her a cleane virgin.

¶Agein that noble diuine Hugh of saynt Victore is also in the same opynyon. For all though, saythe he, that the woman, with whom it is knowen/ that the man

had no carnall medlinge/doth not perteine to that sacrement or holy mistery, whiche Paule calleth a great sacrament/ that is betwene Christe and his churche, or company or faithfull christian people/yet verely it perteyneth to an other sacrament or holy misterie/the which is moche greatter that is betwene god & mannes soule. For what? if it be a great mistery/ that is in the flesshe/ is hit not as great a mysterye/yea and moche greatter, that is in the spirite? for the flesshe doth nothynge helpe, it is the spirite, that quickeneth and giueth life. Therfore it is trewe mariage/and the very sacrament of maryage, all though there neuer folowed no flesshly a do/ ye to speke better/bothe the mariage & the sacrament is so moche the trewer, and the holyer, in so moche as there is nothinge in it/ wherof chastite shulde be asshamed/ but wherof loue may reioyce and glory. For if god by scripture be well called spouse of mannes soule/ & the soule ageyn the spouse of god, forsothe there is some thinge bytwene the soule and god, wher of this thynge, that stondeth in mariage betwene man and woman, is the sacrament and image/and like-

lihode and holy signe or token. And peraduenture, for to speke more playnly in this matter/ the very company/ which is kepte outwardly in mariage, accordynge to the promys, that eche made to other, is the sacrament, and sygne or token. And the thinge selfe of this sacrament, is the loue of myndes of one to the other/ whiche is kepte betwene them in this bonde of company, and leage of mariage. And agayne the same loue and fauour in their mindes, the tone to the tother, is the sacramēt and token of that loue and charite, by the whiche god ioyneth him selfe vnto mans soule inwardly/ by putting in to the soule, of his grace and by sendinge into the soule parte of his godly spirite, by the which the soule is made one spirite with god. Therfore the flesshly couplyng, which before the sinne of Adam/ was in mariage an office or vertuous dede, and after the synne/ it was graūted in the same maryage for a remedy: so bothe tymes it is put vnto mariage, but so that it is with mariage/ but mariage hangeth not of it. For trewe mariage is before any flesshely medlynge/ and mariage may be holy without any suche thing/ it shulde

doubtles not be so fructefull, if suche medlinge were not, but mariage is moche cleaner, if no suche thynge be in it. For that after synne, flesshely medlynge is suffered in maryage / it is rather of great sufferaunce & compassion / lest the vice of concupiscence and lustines / whiche after that synne was roted in mans flesshe / shulde contrary to all honestie, and without measure / breke forthe and flowe abroode in euery place without any regarde, if there hadde ben no certayne place prouyded by the lawe, where hit maye be laufullye receyued. wherfore the verye true perfecte, and full mariage / is the same company, conuersation, and lyuynge to gether / the whiche is consecrate by the leage or bonde of spousage or promysse, that one dothe make to the tother, whan bothe of them by theyr free and wyllinge promysse / do make them selfe debters / the tone to the tother: and do wyllyngly bynde them selfe by conuenant, that fro hense forthe the tone wyll neuer depart from the tother to the company of none other persone, while thother is aliue / nor that they wil neuer diuorce them selfe, nor breake of from this companye / that

nowe

nowe is betwene them. And if so be it/that vnto this conuenant and agrement of conuersation and company to gether, there be put to also in the first metynge a conuenant and bargayne of carnall medlynge/than the man and the woman be afterwardes bounde/the tone to the tother/of duetie to this flesshely medling. And if perauenture at the makyng of the mariage this carnall couplynge be remytted on bothe parties/by the vowe & consent or promysse of them both, afterwardes they be no more detters the tone to the tother for this thynge. For that thinge/whiche by equale consent and agrement was remytted of bothe parties/and confirmed by their vowe and promis/it can not be iustely required afterwardes of other of them, and yet for all that/the sacrament of maryage stondethe euen in this case stedfaste and sure/wherof the carnall couplynge is nother cause of the vertue and goodnesse of it, whan it is there/nor can not take away the vertue and perfectnes of mariage, if it be not there. And therfore this onely consent and agrement of their myndes is thoughte to vpholde and contynewe this vnpartable conuersation

tion and lyuynge to gether. And this consent was ordyned for this cause, that this company of the tone with the tother / the whiche was begonne betwene them by this consent and agrement, shulde not be suffered to be broken at any tyme, as longe as they were bothe alyue. ¶ So that now, reder, as thou hast seen by these two auctours, it is playne and open; that not onely the fyrste degree of consanguinitie and affinite, but also the fyrste degre, wherin maryage is forbydden, for a Justyce grounded onely vpon a certayne commune honestie and comelynes, is forbydden by the lawe of god, in the Leuiticall, and can not be dispensed withall by men.

¶ And that this thynge is very certayne and trewe / thou mayste take this for a good prose, that Alexander in tyme passed, the thyrde Pope of that name, hadde leauer to suffre Henry, a citizin of Papi, to be perjured, than that he wolde take vpon hym the auctoritie to dispense with hym for his othe / by the whiche he hadde bounde hym selfe to marye a maydden to his yongeste sonne, whiche hadde bene made sure before to his eldest sonne / nowe beinge

beynge departed. For be aunswered the byssshoppe of Papi on this maner: Bycause, saythe he, that it is wrytten in the Leuiticall, that the brother can not haue the brothers spouse, we commaunde the, that thou suffre not this fore sayde Henry to fulfyll his purpose/and that thou compelle hym by the ordre of the churche to do penaunce for his vnleafull othe.

Wherfore seynge that these thynges be thought trewe to so many and so discrete auctours/that it is not laufull for a man to marye his brothers spouse: howe moche more vnlaufull oughte we to thynke this thynge, that a man shulde marie his brothers wydowe, with whome his brother hadde carnally a do, and that he shulde vncouer the priuities of her/whiche before is one flesshe with his brother/not onely by the bonde of mariage selfe, with the other brother/but also by reason of carnall commixion and medlynge with the same? And therfore doubtles euery man ought greatly to approue and commende this determination of these vniuersities/whiche do holde and conclude/that to marye her, whom the brother, departed

without

without children, hath lefte, is so forbydden by the lawe of god, and also by the lawe of Nature, that the Pope hath none auctorite nor power to dispense with suche mariages, whether they be contracte all redye, or for to be contracte: excepte peraduenture there be any man, whiche hath a pleasure to calle agayne into lyghte, olde reproued errours and heresies, that of many yeres haue ben condemned.

The fyfte Chaptre.

THus nowe we haue reherſed and ſhewed before, faithfully and truely/ what the ſacre holy auctorite of the olde teſtament and the newe/ what the vſe and cuſtome/ conſente or agrement of the hole chriſtian churche, what the Popes/ what the doctours, interpreters and declarers of holye ſcripture/ finally/ what the aſſent of wiſe and wel lerned men/ both in mans lawe and in goddis law/ do thinke and iudge of theſe Leuitical prohibitions, and ſpecially that a man ſhulde not mary his brothers wyfe. And we doubt not/ but that theſe auctorities and iudgementes be of ſuche ſtrengthe/ that there is no reaſonable nor indifferent man, but they ought ſo to ſatisfie his iugement and conſcience, that he ſhulde deſyre no further proues vpon theſe concluſions of the vniuerſities, and vpon this ſentence, that they haue determined and decreed: but that theſe foreſayde thynges be ſufficient and able to defende them vtterly from all maner of cauillation. Nowe be it for as moche as ther be

be some, that loue well reasons, and there be many, and that stronge and inuincible reasons, the whiche maye seme to lyghten and declare this sentence of the vniuersities / and also greatelye to confirme and proue the same: the nexte thynge that we must do nowe / is to vse the helpe of them also in this matter / and to bringe forthe & shewe some of them, as we toke vpon vs and promysed before to do. All the doubte and question of this our matter is dissolued and vndone, rather by definitions and by shewynge playnly / what euery thynge is, than by argumentes and reasons. For this question is growen and spronge vp, by the errour and false opinion of men / that were ignorant / and did not knowe the very true and naturall propertie or propre nature, of the lawe of god / the lawe of nature and of the lawe morall. And for this cause firste of all it shalbe very well done and necessari / to define and to shewe properly and certaynly / as a man wolde say by a certayn portrature / what goddis lawe is / what the lawe morall / and the lawe of Nature is. And to sette these definitions, as ye wolde say for certayn principalles and chiefe poin

tes

tes of our disputation: of the whiche we may take all our reasons and proues. And we wyl not folowe here the scrupulose and curious labour and diligence of some men, whiche diuide and drawe into ouer many gobettes and peaces/the true signification/ meanynge/ and nature of these wordes. Surely we wyll not medle with no suche thynges, whiche all though they seme at other tymes/ quicke or sharpe, and maye gyue and shewe to thorny, crabbed, and comberous wittes stertyng holes to skape out bi/if at any time their armi be brought into a streyte: yet doutles,as for this matter, they do nothinge but make it darker/ and incombre mens iugement. And if this treatise that hereafter foloweth,gentyl indifferent reder, shall seme vnto the somewhat strange and harde/yet hardely take the peyne to rede it/and J doubte not, but thy labour shall not be so great, but the profet hereof shall be moche more/not only for the vnderstandynge of this matter, but of many other/whiche be very necessarie for christian men to knowe. Therfore to come to our purpose/the definition of goddis lawe is this, ¶The lawe of god is the

worde or minde of god, cõmãding thinges/ that be honeſt, or forbidding thinges/that be cõtrary to honeſtie/ whiche lawe the ſacre holy vniuerſall churche hath of longe time, by her auctorite, receiued & cõfirmed as other beinge ſowed & plãted in the reſonable creature of god, by the mouth & ſpirite of almighty god, orels ſhewed to him bi reuelation. ¶ Here if we chance to mete with a froward and to curious a reder, we feare, leſt that we ſhal not obteyne of hym, that he wyl be contẽt with this definition. He wyll ſtreicht condemne it, as falſly forged & coũterfet/ & ſhal reaſon, and ſay/that it is not made formally, clarkly, maiſterly/ nor after ſchole lernynge. And agayne he wyll fynde cauillations/and ſay, that it is not large and generall inough: For that it doth not conteyn the lawes other cõſultori or permiſſiue/ that is to ſaye/ lawes that giue coũſaile/and lawes that do ſuffre and permit/and this he wyl obiecte, bicauſe we haue defined/that onely to be the lawe of god/which doth bid or forbid. Moreouer he ſhal cry out/ & ſay/that ther lacketh the finall cauſe or ende, that is/gettynge of the eternal blis. ſo that by this note or marke

goddes

goddes law might be distinct and knowen a sondre frō the iudiciall, ceremonial, and mans lawes, the whiche/ he wyl say/ be not the lawes of god/ by cause that the nexte and streicht intent of them is not to ordre & leade man to that ende/ whiche is laste of al/ and aboue or beyonde nature/ and how that he shall lyue with god in heuen/ but only to an ende natural, howe he may lyue in a cōmen welthe/ and in company of men, whiche is called a politike or a ciuill ende. Fynally he wyll fynde cauillations, & say, that it is a new or a strange definition/ and made of our owne heed/ and far vnlike the definitions, whiche haue ben so lōge vsed & receyued in the scoles. Of the whiche this is one, that goddis lawe is a true signe or tokē notificatiue/ which sheweth to a resonable creture the richt & true reson & minde of god/ willig the same creature to be bōde to do somwhat or not to do, & to suche like definitiōs as this is. These & such other resons he wil perauenture forge and imagin, who so euer he shalbe, that wil be curious in weying & examininge this matter/ more than richt and reson requireth. But we do appele frō suche iugementes to a resonable

indifferent/ and a lerned reder/ to whome we doubte not/but that we ſhall lyghtely perſuade and proue/ that it was neuer our mynde to plucke downe or breke tho thynges, that haue ben receiued and approued. and that we haue expreſſed and declared, not vndiſcretely and without conſideratiō/ but perfectly inough, by this definition the ſubſtaunce or nature of the lawe of god.

¶ For fyrſte ſeinge that al lawes either be the lawes of god or man, and the lawes of man be all thoſe, that be ordyned & made, not by the mouthe and ſpirite of god, but immediatly of man/and by the wyll, tradicion, and auctorite of man/ and that commande thinges, that be honeſte/ or forbyd thinges that be vnboneſt/ for ſome cauſe agreable to reaſon: whether this cauſe be euerlaſtyng, or during for a tyme: Furthermore ſeinge that all that euer god dydde ſpeake in approued ſcriptures, thou canſte not cōueniently call them lawes or cōmandementes/ but them onely/ whiche do cōmaunde or forbyd any thyng, and the whiche of neceſſitie bynde vs/ to do as they bid and commande vs: Finally ſeinge that all men do ſurely beleue/ and ſo ought to beleue

leue, that the vniuersal church alone hath that key of knowlege / and also of power, wherby she may discerne and iuge, by her auctorite / the wordes of god / frō the wordes of men: By these forsayd. iii. reasons / we knowe / that a gentyll and an equall reder can require nothinge more in this our definition. And we trust / that he wyl openly graunt / that it is not vnlyke or disagreynge from those definitions, that be receyued and approued, for as moche as is perteynynge to this purpose / ye and that it is also somwhat more fytte, and conuenient, thā these other be. This chiefely was our intent and pourpose, that we myghte declare and set forthe the lawe of god / after suche maner, that it shulde not alonely be euidēt and playn, wherby it differeth from mans lawe: but also that we shulde ascertayne you, what it is / as it dothe comprehende the lawes / moral, iudicial / and ceremonialles / as many as be rehersed in holy scripture to haue ben ordined and made of god, and as do bydde or commaunde any thynge to be done, or not done: whiche all alyke we compte to be the lawes of god.

¶ For as for the streyt or streytest takyng

or definition of the lawe of god, we did not so moch regarde it/ and of purpose/ and for the nonse, we dyd leaue out the lawes consultory and permissiue. For when the scripture dothe counsayle, or suffre vs to do/ or not to do any thynge, this is gentylnesse, goodnes, and perfectnes of lawes, rather thā the lawes selfe, bicause it is a point of a good and a perfect lawe/ to counsayle and suffre those thinges/ which be nother to be bidden nor forbyddē. And yet if any body wyll examine and trie out this definition of ours/ by the rules of logike, perchaunce be shal fynde/ that it is absolute and perfet in al pointes. But it is no tyme here to playe the logition/ and to brynge proues not necessary nor requisite/ in a matter playn and euident inough.

¶ For we haue declared, as we thinke, sufficiētly inough/ what goddes lawe is/ and also, what lawes be worthy to be referred and counted in the ordre and noumbre of goddes lawes/ and what lawes agayne oughte to be banysshed out amonge the sorte and route of mans lawes. Moreouer of goddis lawes the diuines make thre kindes/ that is to sey moralles/ whiche also be

called

called naturals: and iudicials: and ceremonials. The difference of these, the Diuines fynde out on this maner.

¶ They calle morals, whiche teache and gyue preceptes of the actes, offices or duties of morall vertue, that is to saye, they shew howe a man shall do vertuously and after good maners, & what dedes be good and what be not. ¶ Judicials they calle those lawes, whiche giue preceptes of particuler actes of Justice betwixte man and man, and preceptes of punishementes and rewardes, as euery man deserueth.

¶ And ceremonials they call, whiche commande vs to do certayne outwarde dedes to the worshipping of god, from whēs the name of ceremonies seme to haue sprōge & come vp. ¶ we will speke nothinge here of ceremonials, whiche pertayne nothinge to our purpose, by cause that our matter is no cerimonie. As for the difference or diuersite of the moralles and iudicials, howe thei ought to be takē & vnderstād, we must nedes declare more plainly. For herebi we haue sene men, & that wel lerned, oftētimes blynded & deceyued, while they thought that this worde, Justice, whiche is large &

conteyneth many kyndes vnderneath it/to be fingle, and conteyne but one kynde/ nor to be taken but one weyes onely, where as in dede there be diuers kyndes of Juſtyce.

¶ One kynde of iuſtyce is called Legall, vniuerſall or generall/ an other is called particular.

¶ Legall or generall Juſtice is, whiche generally conteyneth all vertues vndernethe it/ and it by it ſelfe alone, is all hole vertue/ that is: euen, as ſcripture dothe calle a iuſte man for a good and a vertuous man, and iuſtice for goodnes and vertue/ as contrary wyſe/ iniuſtice generall is not part or a kynde of vice/ but it hathe in it holly all vice and ſynne that is.

¶ And nowe of particular iuſtice there be ij. kyndes Diſtributiue/and Cõmutatiue.

¶ Juſtice particular diſtributiue ſtandeth in diſtribution or partynge of honour/ promotion, or of money/ or of other thinges/ whiche maye be diſtribute amonge them/ that be felowes of one citie or cõmunalte. For theſe thinges may be diuided amonge vs equally and vnequally, and ſo iuſtely or iniuſtly. ¶ Particuler iuſtice cõmutatiue is ordined to mende and correcte ſuche bargaynes/

gaynes, as we make one with an other.
Therfore when there is ani doubte or que-
ſtion of this poynte of iuſtice / we go to a
iudge, whoſe office and deutie is to make
them euin / whiche be not euin: as when
he dothe condemne a man in a ſumme of
money, and ſo taketh awey the wynnynge
from him / whiche had more than ryght a-
fore by deceyte and wronge. Than whan
the hurte is ones meaſured and eſtemed /
one parte is called loſſe / thother wynnyng:
and he is called the wynner, that putteth
the other to loſſe / and he the loſer, that
hath loſſe.
¶ Theſe thynges we haue ſpoken for this
pourpoſe / that we ſhulde vnderſtonde,
that the Diuines, while they ſay / that the
iudiciall lawes do treate vpon particular
actes of Juſtyce, betwene man and manne /
they wyll and meane / that the Judicials
onely commaunde and teache / by what
meanes and puniſſhementes thoſe thingis
maye be correcte, amended / and brought
to a iuſte and an euen poynte / whiche be-
longe to particuler iuſtice to order / likewiſe
as morall preceptes belonge to general iu-
ſtice / to order. And plainly if any man wyll

ſerche & ſeche out the exacte meaning & definition of the iudiciall preceptes, ſpecially that be ſpoken of/ in the olde teſtament/ be ſhall fynde, that they only be iudiciall, and ſo ought to be called, whiche be ſtatutes of peynes, or at the leeſt, thoſe/ whiche god in tyme paſſed dyd anſwere vnto Moſes, whan that he aſked hym counſaile of the ſutes and controuerſies of the Jues. For ſeynge the begynnynge of wyſedome is the feare of our lorde, that ſame people ſo ſtubbourne and intractable, ought for feare of punyſſhement to haue ben moued and prouokedde to vertue/ and to be drawen backe from their wonte and accuſtomed ſynne, leſte that they, as men vnreuly and intractable, ſhulde by theyr ſynne ſo greatly haue moued and prouoked god, that they ſhulde rightfully, and of their deſeruïng, haue gone downe quicke to hell. Therfore afterwarde that the morall preceptes were gyuen/ in the mount called Syna/ with incredible feare and horrour or quakynge of the herers: anon after were gyuen them alſo the iudiciall preceptes, in the whiche god did nothing els, but teache and ſhewe what vengeaunce ought to be

taken

taken vpon them/that do treſpas/and trā-
greſſe thoſe forſayd morall preceptes. For
the iudicials, as Thomas ſaythe, haue
their name of this worde iudgement. And
as for this worde, iudgement, betokeneth
exercyſynge of iuſtice/ whiche is done by
reaſon, applienge the lawes or rules of iu-
ſtice certainly to ſuche ſpeciall caſes, as be-
longe only to the ordryng of ſome certaine
people amonge them ſelfes, & that conſide
ring the ſtate of that people only. for, ſaith
he, ſeing the moral preceptes be cōmune to
al people, and that many of them, ſpecially
of the affirmatiues/do apoint neither time/
place, nor maner, how to kepe them: it is ne
ceſſarie/ that theſe circūſtances be ſpecified
& determined by ſome lawe, either of god,
or man. And therfore as that general com
maundement/ that god muſt be honoured
and worſhypped, is ſpecified and declared
outwardely by ceremoniall preceptes: ſo
lyke wiſe that ſame cōmandmēt of kepyng
iuſtice amonge men/called the lauful or ge-
nerall iuſtice/is determined by the iudiciall
preceptes / that is done by a iudge, apply-
enge the vniuerſall & fyrſte rule of generall
iuſtice, to ſome particuler matter / & to the
priuate

priuate ſtate of ſome one cõmun welth/and to the profet and benifyt of the ſame only.

¶ By theſe forezayde thinges we thynke, that it is euident and playne, what lawes ought of rycht to be called iudiciall lawes of god. Truly thoſe whiche haue bẽ made & ordined of god him ſelfe i holy ſcripture, to the gouernynge, not of all people/but of the Jues to getber amonge them ſelfe, and that in ſuche thinges as perteyne to particular iuſtice/ and haue no morall reaſon in them ſelfes, nor ſhulde be of no ſtrengthe nor auctozitie, if there were nothynge but reaſone to moue thereto: but the cauſe of their makynge was the ſtate of that people, and other auctozitie and ſtrength haue they none/ but onely by cauſe they were made. for their auctozite ſtãdeth rather in that they be decreed and commaunded, thã in any reaſon of general iuſtice of god/ as whiche ſtonde moze in decrees and penalties/ then by reule oz by reaſon of commune iuſtice. For there is no commune noz generall iuſtice in them, but they be onely iuſte foz them that they were made foz.

¶ And thus we haue ſhewed the, what is the iudicial law of god. Now i the definitiõ

or certeintie of the morall & naturall lawe, is great derkenes and doubtfulnes/bicause it is cõmunly vnknowen, nor hath not ben written nor declared clerely and diligently of any diuine (as farre as we haue redde) by what shorte and substanciall waye/ we myght fynde out by a sure facion of reasonynge, what is the lawe of nature, howe many kyndes there be of it, and also whiche be the thynges, that natural reasone shulde shewe and teache vs. These thynges doutles be very darke and ouer rolled and wrapped in moste depe and thicke derkenes, by cause that all people on al sydes/ in maner by a commune consent and agrement, folowe vice & synne/ and of so longe tyme hath fallen away and cleane forsake their very propre nature, so that partly by cause there be so many vicious customes, partly by cause there be so many vayne opinions, & misordered iugementes, so many croked errours/and ignorance/so many frowarde maners/fynally bicause there is so great diuersitie, bothe of mens wyttes/ and of mens appetites and disposytions/ the holy light of nature is in maner vtterly extincte and put out, and skante appe-

reth

reth or ſheweth it ſelfe at all any where, and the ſharpe or quicke ſyght and trewe iugement of mans reaſon, by the whiche he ſhulde knowe / what is good / what is yll / what is true, and what is falſe, deſtitute of his lyght and rightneſſe/and lackynge the holy goſte or ſpyrite of god / whiche is the ruler and gouernour of reaſone/is vtterly become obſcure and darke. Therfore here we muſte reſte and tarye a lytle whyle/that as farre as our wytte & capacite will ſerue vs/and this our matter wyll ſuffre / we may gyue lyght to theſe darke thinges/and vndo the knott] of the doubtes ſo as it may be. ¶Ther is in mā all though it be meruailouſly blinded and darkenedde, a certayne prudence, or commune wytte ingendred in hym, grauen in him bi god his maker at his firſt creation/ and this wyt or reaſon they calle naturall light/ & light of vnderſtanding/ & the light of the viſage of god, the ymage of god/the eye of the reaſonable mynde, a parceiuinge of good & euil, right & wronge, finally they call it natural reſon. ¶Beſide this ther be writē in the hart of man with the finger of god certain rulis or lawis of general iuſtice

vertue

vertue & honestie, whiche they cal the fyrst principils to liue by, accordinge to vertue/ the fyrste rules to do iustly, whiche were to man as exẽplars or patrons for to folow/ & to shewe him howe he shuld do iustly/ the first truthes/ sedes of vtues/ sparcles of nature, imperfecte vnderstondinges/ generall knowleges, cõmun sense or perceuerãce, cõmun wisdome/ finalli beginninges to al moral iustice & vertue. Nowe the office of the forsaid natural reson & prudẽce is to shew, that we ought to do/ or leaue those thinglj, what so euer these rules of cõmune iustice or vertue doth shew vs. And bicause that the same rules of general iustice cõteine the perfecte & true nature of vtue/ they teache/ that those thingis only, whichè in the maners of al men vniuersally, be good or euil, right or wrõge, ought to be folowed, or auoided/ euin for the thinges them selfe/ and for obteining of euerlastinge blis. For this rule is no other thynge in dede, then a certain line leading vs to honestie and vertue, and frõ disonestie and vice. So that what so euer is done, accordynge to this reule/ it muste nedes haue the name of vertue, by the whiche vertue man is called good/

what

what ſo euer is done contrary to this rule, it muſt haue the name of vice. This reule therfore ioyned with that commune prudence or wyſedome, we call the lawe of nature. If thou wilte defyne it: it is a general knowlege and iudgement, whiche god dyd graue in the mynde of euery man, to helpe hym for to fourme and facion his maners and lyuynge. And it nedeth not vs to go farre to ſeche the proſe of theſe thynges, that we haue ſpoken, ſeing that there is no man, but that he hath in him ſometime an examynation and remembraunce of hym ſelfe, and remorſe or conſcience, that dothe iuge & cõdẽne hym. and wher ſo euer theſe be, there muſte nedes alſo be ſome lawe, frõ whoſe techynge the miſdoer maye perceyue, that he hath ſwarued, and that he hath not performed tho thynges, whiche the lawe cõmaunded him. And as for this lawe both Paule hym ſelfe, and almoſte al the diuines and the philoſophers, call the lawe of nature, and ſey, that it is a certayn commune ſentence or iudgement, condemnynge or allowinge the dedes of men, the whiche god did graue in the herte of man with his fynger. In ſo moche that vnto vs

truly

truly the lawe of nature/to speake of it generally, semeth to be no other thynge/ but these fyrste reules, and fyrste iudgementes, that man hadde/whiche were made with man/or rather borne with him/& grauen in hym of god. But to speake of it specially and properly/ and to shewe howe it differethe from all other thynges/ these two thinges folowynge, seme to vs to haue ben added to the definition very conueniently and to the purpose, that is to saye/whiche god dyd graue in euery mans mynde/ and agayne whiche is fytte and conuenient to forme and facion the maners and lyuynge of men. The fyrste is added bycause we shulde vnderstande, that they onely be naturall lawes, whiche haue ben writen with the fynger of god/ or rather borne in the harte of man/ stablysshed and confyrmed by agrement of all nations/ and not made by the ordinance of men/or by their lawis/ their counnynge/ opinion, or reasonynge/ nor finally by no vsage or custome of men. The seconde is added bicause, that where there be many knowleges and iugementes in vs, all alyke can not be called lawes of nature. But to open this thynge some

what plainly/you ſhal cõſider, that in más reaſon there be. ij. partes, the one is occupied about ſtudy of ſciencis/ that is called Speculatiue, the other about the ordring of his life/whiche is called Actiue. And as this parte, that longeth to ſtudie/hath his natural principils/and them moſt true/and ſo plaine of them ſelues/that they nede nor can not be proued by none other meanes but onely by them ſelfe, of whoſe trewthe and knowelege hangeth the trouthe and knowlege of all other thinges, that be treated in any of the ſpeculatiue ſciences: So truly god, that is moſte good, moſte wiſeſt, & moſte of power/ after that he had made man vnto his owne image & lykenes, right and without any crokednes/ without any vice/ſtreicht wayes he put in hym his ſpirite and holy goſte, whiche ſhuld enflame and kyndle hym to goodneſſe and vertue: and dyd by and by graue in his mynde/in the other parte of his reaſone/ that ſerued to the orderynge of his lyfe/certeyne generall knoweleges/ and generall reules/ vpon vertue, and vpon all thinges/that he ſhulde do, whiche I hulde be as you wolde ſaye/ certeyne principilles, groundes/ and

chiefe

chiefe conclusions/ and that as it were certeyne, moste sure, and moste true reules to iudge by, with richt, and according to reason vpon all the maners and dedes/ that belonge to man. And truely these generall rules of cõmune iustice or vertue, we calle lawes of nature.

¶ Nowe to shewe you, what is the moralle lawe of god: what so euer is commaunded of god in holy scripture, and is shewed vnto vs inwardly in our hartes bi these fore sayde generall rules/ or that in a good and formal reason folowith of them/ or elles that agreeth with them/ thoughe it dothe not folowe of them: all these the Diuines calle the lawes morall/ whiche lawe they defyne and determyne on this maner.

¶ The morall lawe of god/ is the worde or mynde of god/ cõmaundynge those honeste thynges/ and forbyddynge those vnhoneste thynges, whiche the naturall reasone of man lychtened with the lychte of the worde of god, dothe, accordynge to the rules and teachynge of commune iustice or vertue, teache vs to do/ or to leaue: and whyche the same naturalle reasone

ſelfe ſo lightened, dothe ſhewe vs/that we be bounde to kepe them/ al thoughe they were neuer cõmanded by none other lawe. ¶ Theſe thinges well knowen and vnderſtande, it ſhalbe eaſy and playne to knowe the difference betwene the lawes moralles and iudicials. For the lawes morals were graffed and planted in man bi nature/or at the leaſt came of naturall reaſon/ and this natural reaſon euer and at all times before any lawe was wrytten / or any citie made, god hym ſelfe dyd plante in man: but the Judicial lawes were ſhewed to man afterwarde/nor ſtonde not by nature, but by ordinaunce, and makynge. Ageyne, morall lawes ſerue to order, according to the rule or preſcript of general iuſtice, all vertuous dedes/ by the which a man is made good. And as for thoſe iudicial lawes/ſerued not but onely to the orderynge of the Jues amonge them ſelfe, and in thoſe thynges onely that belonged to particular Juſtice. The lawes morall haue of them ſelfe a naturall and morall cauſe generally to all nations why they were made: but there was no cauſe, why the iudiciall lawes of god were made/ but only the ſtate or condicion

of

of the Jues. The lawes moral be perpetual and vnchaungeable, by the consent of al nacions/and so remayne and endure, by cause they haue their strength and power by the teachynge of naturall reason, so illightened, although they were neuer commanded by none other lawe. These iudiciall lawes be vsed and accustomed onely by ordynaunce.

The syxte Chaptre.

But of the licht and trouth of our two worthye groundes & principilles/that is/the defini cion of the lawe morall, and the lawe iudicial, of the whiche two we wyll make a sylogisme or perfecte reason, we haue spoken sufficientely. Therfore nowe we wyll go forthe with other thinges, that pertein to our purpose, and shal endeuour our selfe, to shewe and declare/that the Leuiticall prohibitions/whereby we are forbydden to marye our brothers wyfe, and to shewe his filthines, is a lawe moral, comminge of nature. And this thinge we shall bringe to passe/pera-

uenture/if we make you a reason out of the definitions after this maner.

¶Euery sayenge of god/ that commaundethe honeste thynges/ and forbyddethe vnhoneste thynges, whiche the naturall reason of man/ clered by the lychte of the worde of god/ commaundeth to be done, or to be eschewed/ accordynge to the rule and teachynge of generall Justyce or vertue, and that hath auctoritie and strength euen by naturall reason onely, all thoughe it hadde neuer ben ordyned by none other lawe: is a lawe diuine, morall/ and naturall. But these Leuitical prohibitions, be sayenges of god/ that do forbydde vnhoneste thynges, whiche the natural reason of man, lychtened by the worde of god, commandeth to be eschewed, after the rule of generall iustice and vertue/ and haue their auctoritie and strengthe, euen by naturall reason onely, all thoughe they had neuer ben forbydden by none other lawe. Therfore they be godly, morall, and naturalle lawes.

¶But if that any man here by chaunce wyll/ by his crafty witte, reason, and bolde stubbournely, that some of those thynges/

whi

whiche we haue taken to proue our cõclu-
syon with all, be not trewe: the texte and
the order of the historie/ and of the place,
that we haue before rehersed, out of the
Leuiticall/ shall sone ouercome him.

¶ For truely fyrst of all, that those lawes
be sayenges, cõmaunded to the reasonable
creature, not by the wyl of man/ but by the
auctoritie or teachynge of god hym selfe:
the maner/ the tyme, and causes of theyr
institution, or fyrst ordynaunce do playnely
declare. yea and this thinge also, that is so
often rehersed there/ declareth & sheweth
the same/ that is, I your lorde god. So
that we nede no more to doubte of the au-
ctor or maker of these lawes.

¶ Seconde the vniuersall catholyke and
apostolyke churche hathe shewed/ that
those lawes were taughte vs by the spi-
rite of god, and by god/ by cause that the
churche hath putte the. v. bokes of Mo-
ses/ and amonge them the holle boke Le-
uiticall in the noumbre of these werkes/
whiche by vndoubted vsaunce and con-
sent of longe tyme/ the churche hath ap-
prouedde and confyrmedde/ to haue ben
wrytten by the spirite of god. This same

thinge truely the sacre holy cõsayles, the honorable Seanis haue decreed / the holy fathers priuatly euery man in his workes hath iudged / the same thinge till this day hath ben beleued and receiued of all christian men. And forsothe / seynge that the catholic church hath approuid this thing as strongly as can be / and hath publisshed and wytnessed the same openlye to all the worlde, that those prohibitiõs / the which we nowe speke of, be expressely and plainly written in the boke Leuitical / and that the boke Leuiticall / which can not erre nor lye / dothe playnely shewe and declare / that these lawes were shewed and spoken by the spirite of god, through the mouthe of Moses to the people of the Jues: truely no man can say naye, but that these Leuiticall lawes be oracles or sayenges / that came oute of the mynde of god / nor were not made by the ordinance of any man.

¶ Thirde, and that these Leuitical prohibitions be sayinges / whiche do forbydde suche thinge / that of it selfe is nought and agayne honestie / and suche a thynge truly as the naturall reasone of man / lychtened with the licht of the worde of god, dothe

shewe

ſhewe/ſhulde be auoyded/that is to ſaye/ the fylthy, foule/ and ſhameful couplynge with our brothers wife, the pith & ſtrēgth of this word MAN ſheweth & declareth: by the whiche worde it is ſignified, that they, which ſo come to their broders wife/ be no lōger men, but brute beſtes/in ſo moche that god calleth it fylthines/a miſchieuous and acurſed dede/abhomination and infamy/ and a thynge vnlaufull/ that any man ſhulde mary his brothers wyfe. And this thynge is playne/ alſo by cauſe that god dothe threten to punyſſhe greuouſly and ſharpely the breakers of theſe lawes/ that is to ſaye/ that they ſhall be blotted and cleane wyped out of the myddes of his people/ and that they ſhulde be ſpued out of their lande/ and they ſhall dye without chylderne/ and yet we wyll not ſpeake one whit of the more greuouſe and ſorer puniſſhementes. For marke wel/god threteneth. iij. maner punyſſhementes to the breakers of theſe lawes: fyrſte temporall puniſſhmente, that they ſhall be caſte and banyſſhed out of their countrey. Seconde, that they ſhalbe without children/ whiche puniſſhment cometh onely of god.

And thyrdly euerlastynge punysshement, that is the banisshment of the soule out of the company of god for euermore. For as this seyinge/to be put oute of the myddes of his people/meaneth not that we shulde be punysshed by any bodely deathe, but that we shall not be reckened nor compted in the nombre of saintes or of chosen people. And not onely they were thus punysshed/but also their bastardes/that came of suche forbydden mariages, whiche in Hebrewe be called Manzer, were forbidden the temple. for the Jues call him Manzer, whiche is begotten by any of these forsaid fylthy couplinges/& reken him as a bastarde/ and borne of an harlot. All these trewely were thoughte vnworthye and vnmete to come in cõpany of the people/ whiche was gathered to kepe and celebrate the feastes and holy dayes/or vnworthie to haue any thinge a do/or any office in the churche of our lorde/ wherof this thynge semeth to haue come vp, that nowe vnder the gospell, bastardes can not be promoted to holy orders. ¶ Therfore seynge that god him selfe here doth plainly pronounce and gyue sentence, that the Chananes and the

Egip-

Egyptions did defile their lande, and spotted it with filthines/while that they didde contracte mariage with their brothers wiues, and that be for that cause dyd greatly abhorre them, and dyd mooste richtefully take vengeaunce vpon them/ and punysshed them most sharpely/it can be none other wyse, but it muste nedes folowe/ that god hath iudged this thynge to be shamfully vnhoneste and of them selfe/ as they sey/morally euil & nought/and also ageinst the richtnes of naturall lawe and reasone, yea to be abhominable and abhorred. For wherfore elles wolde god haue punysshed so greatly and so greuously the Chananeis and the Egyptions for these synnes and mischeuous dedes? For truely it was neuer harde, that the transgression of the iuditiall or ceremonialle preceptes, whiche onely were giuen to the children of Israel/ dyd at any tyme so greatly displease god, that he wold vtterli distroy them therfore. For seing the iudicial & ceremoniall lawes, haue no power nor strégth to binde vs but onely after they were made, truly the same prohibition/ breakinge of the whiche god euen amonge the heathens, yea and that

before

before the lawe was made/dyd so greately abhorre and turne his face from it/can not be iudiciall,but plainly morall, as that is agreinge with the very teaching of nature/ and that shulde be written in euery mans herte/al though in some men it be blotted out with wickedde and noughty maners, and vngracious custome. For els what reson shulde that be/and what richt or conscience/to punisshe for doinge that thinge/ that is not forbydden by any lawe? For as god is not wonte to punisshe iniustly, and ageinst right,so he is not wont to punisshe but for transgression of some lawe. And as for the Egyptions and the Chananeis/ at that tyme had no lawe of god written/ but the lawe of nature, whiche ought to haue ben writen in their hertes.

¶ But if any body wil say here/that these wordes,wher he calleth them mischeuous & abhominations,and also these punisshementes and thretes/ whiche he puttethe there/ belonge not to the first prohibitiõs/ whereby we are commaunded to auoyde mariage with them/ that be of our bloud/ but that they ought to be referred to the latter prohibitions: here let hym diligẽtly

marke

marke & cõsider the order & processe of the xviii. Chapiter of the Leuiticall/and what the lawe maker intéded to do in it, and after what maner he hath diuided and parted the order of his holle matter/ and at the laste let him compare and set to gether the forsaide. xviii. Chapiter, with the. xx. of the same boke/ and there truely he shall perceiue/ that the saide. xviii. Chapiter of the Leuitical/euen throw out/ partly doth moue vs, partly dothe teache vs. He moueth his people of the Jewes to absteyne from the most cursed and vngracious maners and customes/and from such thinges/ as amõge them were taken for laufull, and this his intent/ he setteth forthe in the beginnynge of the chaptre. And afterwarde, leste the people/ as yet rude and vnlerned/ by cause they knewe not the lawe, shulde haue ben ignorant, and not haue knowen/ from what maners and lawes they shulde refrayne them selfe, he toke vpon hym the office of a mayster: and whan he had reckened vp their mooste vngratious facions of maners, he teacheth them, from whiche maners they shuld absteine/ & streycht after, whan he had made an ende and perfor-

formed the office of a teacher, he tourneth hym backe agayn to the crafte and policie of dissuading, and moueth them to abstein from the forsaide crimes / partely for feare of punisshemente, partly by the examples of the Chananees and the Egipticns / of whom he sheweth / that he toke great vengeance and punisshementes, by cause they had spotted and defyled them selfe / theyr land and countrey, with these vngracious vices. Nowe if the lawmaker had vnderstonde this laste ende of the chapiter, on the latter prohibitions only / by and by he shulde haue fallen oute of his purpose, as though he had forgotten in the laste ende of the Chapiter, what he intended in the begynnynge. And trewely thus he shulde haue done in a maner as vncomly, as if ani sory oratour or preacher in the begynnyng of his oration or sermon wolde promysse / that he wold dissuade men to absteyn from all vices, and afterwarde whan he had dehorted and moued the people from one or two vices / wolde go his wayes leauing the reste / and so mocke and deceyue the expectation of the herers.

¶ And

And also be shall perceyue this / that here, where as the lawemaker gothe aboute to deborte the people of the Jewes to absteyne from tho thynges, that were laufull amonge the bethens, be doth calle them cursed abhominations / and so augmenteth and increasseth the greuousnes & greatnes of them, so that he iudgeth euery one of the crimes to be sufficient / to thruste out the Chananeis from their seates & natural countrey. For as for adulterie, or the synne agaynst nature, was neuer laufull amonge them, but these inceste and beastely mariages. why than shuld we not thinke, that the lawemaker did meane on the fyrst probybitions? and why shulde not the wordes of abhominacion and execration, and lykewyse the peynes & punyssbemētes there put, belonge as well to them / as to the latter probibicions? Certaynely in the. xx. Chapiter / this is the laste probibition of all / that we shall not marye our brothers wyfe. And streyghte after that followeth: all these thynges the gentyls and bethēs haue done / and therfore I did abborre them, so that it is resonable & fyt

for vs

for vs to beleue / that the lawemaker dyd myngle and confoũde to gether these thinges a purpose and for the nonste / doubtles to thentent that we shulde perceyue & vnderstonde / that thei were al to gether acursed and all worthy of punisshement.

¶ Furthermore it semed to the holye fathers, whiche were chiefe heedes in the counsayle Tolletan, and Agathense / that thase peynes and punisshemẽtes shuld be referred to these, inceste, beastely, and vnkynde mariages.

¶ Finally Jsichius / Rabanus, Rupert / & william of Parris, folowyng the sayd Jsichius, playnely dothe referre and applye those wordes / and those penalties to the breakynge of this commaundement, that a man shulde not mary his brothers wife. And truely we haue brought to for the herето fore / for wytnesse and confyrmation of this sentence, many other proues / bothe of holy counsayles / & also of lerned men of great auctorite and credẽce / so that it shal be voyde and superfluous to tary in this.

¶ Moreouer that naturall reason dothe shew and proue, that it is sinne and vnhoneste, to couple our selfe to our brothers

wyfe

wyfe/euen this thyng doth easily confirme and proue/by cause that there was neuer nation so beastly/ none so without all humanite/but that thei perceiued and knew/ that they ought this honor/ dutie/ & reuerence to theyr bretherne & brothers wiues, that they shuld refrayne from their mariages. Many didde violate and breke this lawe. For this thinge truly is wonte to be done, by the fauty and vicious custome of men/that folke do sacrifice euery where to idolles/ and slee, and steale/ and commytte adultry, and finally wycked sinners treade vnder their feate all goddes lawes, and mannes, yet for all that/ all these do thinke surely/ that these thinges ought not to be done, and thus they thinke, not taught by mans lawes, but by a certeyne vertue and licht of naturall reason, planted and groũded in them. For els howe shulde this be/ that these hethen Poetis, hethen hystory writers/ and heathen lawemakers, shulde almoste in all their workes speke so moche of this kynde of Jncest, and of the peynes and punisshementes/ with the whiche all nations were wonte to reuenge this not to be spoken vice? And who is he/ whiche

hath sene any thinge in the writinge of the olde histories and lawes/but he knoweth, that this maner of inceste hath ben hadde in great infamy, reprofe, and sclander/ and that not in one citie or countre/but almoste in euery place, and amonge all men, hath ben condemped as a certaine wickednes agaynste nature.

¶ Abimelech, a good and a iust man, after the maner of the lawe of Nature/ and also greatly lauded and commended of god, dyd he not thinke and iudge/that it coulde nat be possible/ that Sara might be bothe syster & also wife to Abraham? the whiche Abraham/whan he went about by al meanes/ that he coulde, to kepe it close/ that Sara was his wyfe/he had no strōger reason for him/ than for to say/ that she was his syster. The whiche answere of Abraham, shulde in no wyse haue pleased and contented the Egiptions and Gerarites, if those nations had thought, that the sayd Sara coulde haue ben bothe his syster and his wife. As if a greke wolde aske me/whether I were a maryed man/ & I shulde folysshely answere him agayne, and say, that I am a preest/ where the greke knoweth well

well ynougbe / that one and the ſame ſelfe man may be botbe a preeſt and a maryed man, and all at ones. So Ariſtotell a great philoſopher, it is an vnreaſonable thinge, ſaith he, that Socrates did forbyd the mariage of them that be of one bloud / for none other cauſe, but that there ſhulde haue come to mocbe pleaſure of it / and that it maketh no matter, whether he marye his mother, his doughter / or his ſiſter.

¶ And a man maye here of the hyſtoryes and the Poetes, what infamye and ſhame is ſpoken of Macareus, Laumus, Lydon, Pub. Clodius, whom Licero accuſed of inceſt / Marcus Antonius themperour, Ptolomeus Euergetes, Ceſar Caligula, Cõmodus the emperour, Ptolomeus Philadelphus / brother to Hypermeſtra, Cambiſes kyng of Perſe, and all bicauſe they defiled their ſiſters, by the not to be ſpoké pleſure & luſt of the fleſſhe. Nor truly it is no ſmal infami / nor can not be lichtly waſſhed out / wherwith theſe perſons, here folowynge, be noted in the hiſtories. Thereus kyng of the Thraciens / bycauſe he had to do with his wyues ſyſter. Thieſtes by cauſe he had to do with Europa his brothers wyfe, and

also with his doughter Pelopeia/ & Ausile na/by cause she had a do with her fathers brother, Hypermestra/ bycause she did by deceyte obteyne her pleasure of her husbandes brother/ and also Flauius Domitian/ Theodorycke the Frenche kynge. Leucon, and Philippe, brother to Alphōs the king of Hyspayne/those truely bicause they dyd corrupte their brothers doughters, and these bycause they coupled themselfe with their brothers wyues.

¶ And more ouer the prudence and wysedome of the Emperours hathe thought, that the naturall bonde or leage wyll not suffre, that we shulde suspecte or presume any suche heuy cryme betwene these persones/ yea & it is prouided for also by the sacre lawes of the same emperours/ and openly commaunded, that no man shulde marie his brothers wyfe, or.ij. systers/ no not al though the mariage be by any meanes broken & vndone/but that they shulde al absteyne from incest mariages. And leste this vngracious licence and leude libertie/ shulde be strengthed by any damnable colour or cloke, it pleased themperours also that al suche rescriptes and writtes and licences

cences graunted bi the emperour and that with the aduise of his counsayle/ & also all maner of other lawes & cõstitutiõs, shulde vtterly be anulled and taken a waye, whiche hath giuen licence to certeine persones in the tyme/whan tyrannye reigned, that suche vngracious mynglinge shulde haue the name of matrimoni/and that it shulde be lefull to couple our selfe by most foulest medlynge or couplynge that can be, to our broders doughter, or our sisters doughter/ or her/ whiche had dwelled with our brother in tyme passed vnder the rycht & title of mariage. ¶And that the lawemakers haue euermore taught & iudged to be most shameful and abhominable, that any man shuld marie him selfe to his brothers wife/ it is euident and playn by this reason, bycause all heathens/ euery one after the custome and maner/ did with diuerse & sore punisshementes execute the lawe of these inceste and filthi mariages/ somtyme buryenge suche vnchaste women quicke, sometyme gyuynge them libertie to chose their deathe/and as for the corrupters of them, some al their goodes were confyscate and escheted/ and they banysshed/ nor coulde

not be suffered to make any testament/ nor to haue their children/their heires/& some commaunded to be beaten to deathe with roddes in the comen place, and in the sight of al the people/ And some that their shel-des and armes shulde be plucked downe, and their titylles, and feates to be scraped out/ And did also decree/ that all mencion, remembrance/& memoriall of them/shulde be fordone. ¶But truely it shulde be in-finite and an endles labour, to reken vppe al the incest persones / or the peynes giuen them by the lawe, the infamy, commune hatrede, and sclaunder, whiche they were in / not in one or two cities or nations, but euery where, as far as the worlde is wyde/ whiche dyd not refrayne them selfe from this kynde of incest.

¶Furthermore that to marie our sy-sterne/is forbydden by the lawe of nature, appereth playnly by this, that al the most approued doctours of the Churche do ex-cuse suche mariages bi necessite. and what shulde it haue ben nede to excuse them/vn-der colour and pretese of necessite/ if it had not ben of it selfe vnleful and euill.

¶But let vs harken, what Chrysostomus

sayth/

ſath, VVilt thou knowe, ſaith he, by what meanes it was lefull ſomtyme/to haue our ſiſters to our wyues? Nowe hadde Cain and Abel, Raſan and Edodam their ſiſters/ and did nat ſinne? bycauſe the ſcarſenes of men and women/and the neceſſitie/ excuſed that ſinne. Afterwarde when the nombre of men and women was increaſed, the ſaid euill came into his owne nature/ and began to be ſinne. And at that tyme it was in vſe and cuſtome/ that one man mycht laufully haue many wyues, but afterwarde the worlde ones increaſed and multiplied/ than this iuell alſo came to his owne nature, and began to be ſinne.

¶ Alſo ſaint Nierome doth plainly meane bi thoſe wordes, that were reherſed before out of him/that nature doth ſo greatly abhorre ſuche mariage, that it ought not to be named or ſpoken/ leſte that the deuoute eares be ſore offended with ſo abhominable a worde.

¶ Alſo ſaynte Auguſtyne agreeth to the ſame. For he ſaith, when mankynde after the fyrſte mariage of Adam, whiche was made of duſte/and Eue his wyfe, made out his ſyde, coulde not be increaſſed without

commynge to gether of man and woman/ and there was thá nother man nor womá/ but that came of them two: the bretherne toke their systers to wyfe. The whyche thing the more older that it is/in so moche that it was done at that tyme onely, whan necessitie droue them to it/ so moche the more it was afterwarde damnable/ whan that shame drewe them from it. For they had consideration/ as it was mooste richt and conuenient, of loue and charite, that men/ to whom it was ꝓfitable and honeste to be in vnite and concorde: shulde be knit and ioyned to gether by sondry degrees of kynred, and that one man or woman to an other shulde not haue many degrees, but with sondry and dyuers degrees shulde be departed amonge sondry and diuers persones: and euery persone to haue but one degree to an other persone: but at that tyme there was not wherwith these thynges micht be brought to passe, seynge that of these twayne, Adam and Eue/ ther were no men nor women, but all bretherne and systerne. Therfore at that tyme, that thing ought to be done, whan it was possible to be done: that whan there was plentye of

women/

women/men ſhulde take ſuche wyues, as were not theyr ſyſters. At whyche tyme there was not only no neceſſitie to do it/but alſo if it were done/it ſhulde be a ſinne not to be ſpoken. The which thinge we ſe was ſo well obſerued, euen among hethens and idolaters and wicked worſhippers of many and falſe goddes/after that mankynde was ones increaſed and multiplied/that al though it was ſuffred by nought y and corrupt lawes/to marye with our brothers wyues, yet for all that, the cuſtome amõge them was moche better/wherby thei were brought to this, that they wolde in no wiſe vſe this licence, but vtterly dyd abhorre the diſpenſacion of the lawe, and ſo helde againſte it, as though it coulde neuer haue ben laufull.

¶ Therfore ſeynge that theſe ſo holy and deuoute men do call thoſe lawes corrupte and nought y, which ſuffre, that bretherne and ſyſterne ſhulde marie to gether, and ſyenge they affirme, that theſe/whyche worſhippe falſe goddes/did neuer vſe ſuche mariages, but did abhorre the ſame licence and diſpenſation of the lawe, fynally/ſeing that they ſey/that it was not leful for

the syxte men and women / but onely by-cause of necessitie / truely it is playne, that suche maner of mariages were not of their owne nature laufulle / euen at that tyme / when they were not yet forbidden by Moses lawe.

¶ The whiche thynge also in an other place saynt Augustine dothe witnesse: For, saith he, Abraham dyd lyue in the worlde at that time / in the whiche selfe same time it was not laufull for bretherne & systerne to mari to gether, whether they had both one father and mother or diuers.

¶ Also Jsichius vpon the Leuitical saith, Jt was thought tollerable of many, that brothers and systers mycht marye to gether / by cause Abraham sayde of Sara / she is my syster by my fathers syde / and not of my mothers syde. The whiche vterly is not, as men thynke the bistorie is. For Moses rekennynge vp all those / that were begotte of Thare, Abrahams father, maketh no mention at all of Sara. And it so were / that Abraham dydde marye his owne sister: yet it was before he knewe god. Therfore it is synne to couple our selfe to our syster by bonde of maryage.

Wherfore it is clere by this auctour Jsichius, that maryages betwene bretherne and sisterne were not leful before the lawe, that is to saye, in Abrahams tyme/ whiche was afore the lawe of Moses more than. CCCC. xx. yere.

So Methodius and Berosus, whiche rekenynge vp the causes of Noes floudde, telle bothe one cause. The one of them saythe, it was by cause brotherne shamefully had a do with theyr systers. The tother, bycause Cains chylderne beganne to abuse theyr brothers wyues by abominable fornicacion.

But we nede not to tarye in rehersynge vppe the auctours, whiche make to our pourpose in this behalfe. Truely if they, whiche were wrapped in so greatte darkenesse/ that they dydde not perceyue/ that they shulde worshyppe one god, dydde yet perceyue/ that they shulde not marie theyr systers/ but dydde naturally abhorre suche maryage/ euer more hated and condemned them/ as cursed, and inceste, and not onely they/ but also the most holy and moost true interpreters of the holye scripture do wytnesse the selfe same thynge to

vs in their wryting], it is as clere as can be/ that these prohibitions were brought in by the lawe of nature, and that the law of nature and reasone, moued by the lawe and the worde of god, dothe commaunde and teache vs, that suche coniunction muste be vtterly abhorred/as a wicked sinne ageynst nature.

¶ If any man here will saye, be it, that we graunte, that these thinges be true/as touchinge the mariages of bretherne and systerne, yet it is far a nother maner of rekenynge/as touchinge our brothers wyues. Let hym vnderstande/ that he is greatly blynded and deceyued. For if it be against the lawe of nature, that any man shulde mary his owne naturall syster, bicause it is not lefull by the lawe of nature to discouer her foulenes, & he, whiche marieth his brothers wyfe/discouereth the foulenes of his brother/ he also shal breke the lawe of nature/which coupleth vnto him bi mariage his brothers wife. ¶ Although we haue made it playne and euident inough before, yet we shall put to these. ij. reasones, that folowe, whiche shall proue the same as openly as can be, that a man can not mary

his

his brothers wyfe. Fyrste/ bicause affinitie doth as well let mariage/ as dothe consanguinite. Seconde, by cause he that so marieth, dothe shame & dishonestie to his father by the meanes. Of the firste if any man do doubte/ he maye wel vnderstande/ that this thynge is very trewe, and it were but by this reason only, that not all onely by the lawe of god, so manye persones be excluded from maryage in the lyne of affinitie/ as be excluded and forbyd in the lyne of consanguinitie: but that also the lawe of the churche is compelled to sette the bondes of mariage in the lynes bothe of affinitie and consanguinitie/ in a lyke distaunce or degre. And this thinge is playne by the auctoritie not onely of July and Gregory Popes/ and also of saynt Augustyne, and Isodore, whose sayenges be receyued and approued in the lawe of the churche, but also of Abbate/ and of all those that write vpon the chapter PITATIVM, And the chapter CVM AD MONASTERIVM DE STA. MONA. And the Chapiter NON DEBET. DE CONSANG. ET AFFIN. That if there badde not ben as great cause, why they/ that be of affinite

shuld haue ben as wel forbidden to mary, as they that be of consanguinite, but there hadde ben a greatter cause, why they that be of consanguinite shulde be forbidden, then they that be of affinite, truly so wise lawe makers wolde haue boũde these persones of consanguinite, vnto a streiter bond of mariage, then persons that be onely of affinite, and not bothe vtterly of lyke and in one degre. But nowe, seynge one selfe same prohibicion of the lawe of god dothe conteyne all persons, aswell of consanguinite, as of affinite in the fyrste degre, and of the fyrst kynde, and that bothe by the lawe of god, and the lawe Canon, we ought to absteyne aswell from these persons, that be of our wyues bloudde, as from them that be of our owne bloudde, by cause that man & wife be bothe one flesshe & bloud, as witnesseth this sayinge of god: They shal be. ij. in one flesshe: And by cause that the kynred of bothe sydes, that is to say, of the mans side, and the womans side, ought to be compted cõmune to them bothe, truly we shulde take our brothers wyfe euen as our owne natural sister, as touching the prohibition of mariage, like as our doughter

in

in law ought to be taken of vs, euen as our owne doughter, as saint Augustine sayth. ¶ And that the secõde also is very true/ it is very euident & playne. For he that marieth his broders wife / taketh his fathers flesshe & bloudde to mariage. The whiche thing plainly is ageynst the law of nature. For seinge the husbande & the wife be one flesshe & bloud: truely he/ that taketh his brothers wife, takethe also the flesshe and bloud of his brother/ & as for our brother is the flesshe & bloud of our fader & moder, & that more nerer vnto them, than any of both theyr sisters/ bicause he is their owne son. Therfore if it be forbiddē by the lawe of god/ & also by the lawe of nature to marie our fathers sister, or our mothers sister/ or els the wyfe of our fathers brother / or mothers brother/ whose wyues be but of affinite to vs, & that onely in the seconde degre: truly moche more it shuld be ageynst nature, to mary our brothers widow. For the nerer that they come to the stocke, & to be one flesshe & bloud, the more thei ought to be forbid. But our brother is more nerer vnto our fader, as it is aboue sayd, then is either of our vncles or auntes.

And

¶And here be proues inough/by the whi-
che we haue shewed, as it becommed vs,
that these Leuiticall prohibitions/that we
shulde not marye our brothers wyse. &c.
come of naturall reason.

¶Nowe there remaineth,to shewe/how
the same be toucht vs by the sayde natu-
rall reasone/ accordynge to the reules and
teachynge of generall iustice or vertue, for
to fourme and ordre the maners of men.
And this we dyd proue partly before / and
nowe we shall speake of this same matter
more largely. For the reule of commune
Justice or vertue dothe teche vs tho thin-
ges only, whiche in the maners of all men
vniuersally be good/euyll, rychte, croked,
iuste, vniuste/and suche as ought to be fo-
lowed or auoyded /euen of them selfe and
for the obteynynge of euerlastynge blysse.
And truly there is no man,but sayth, that
tho thinges/whiche be forbyd in the Leui-
tical lawes/be such thinges. For fyrst they
perteine and serue to facion and order mens
nes maners. For here truely we calle the
MANERS of men, the outwarde dedes
of men,and also the inwarde affectiõs and
disposytions of the mynde / what so euer
they

they be, that come of morall vertue / the whiche who so euer dothe kepe and performe / it shall be sayd / that he lyueth well / and doth well / and he shalbe called verely and truly a good man. Nowe as for these Leuyticall lawes / do not onely belonge to chastite / but also to PIETIE, by the whiche, as Cicero defineth / we be taught to do our duetie and dyligente honoure and seruice to our countrey, to our parentes / and to them of our bloudde / and vtterly to all men, all that rygbt and reasone wyll we shall do. This thynge the fyrste lawe of maryage declarethe playnely inoughe, whiche is this, THIS BONE nowe is of my bones / and this flesshe and bloudde of my flesshe and bloudde: For the whiche thynge a man shall leaue his father and his mother / and shall stycke to his wyfe. The whiche sayenge all be it other men drawe it to the dwellynge to gether of man and wyfe, and other to the loue that ought to be betwene them / to vs it semeth / that these two thinges were chiefly commaunded vs in this lawe. Firste that the housbande shuld euermore / with out any departynge, sticke to his wyfe,

Seconde, that no sonne shulde mary with his mother, nor no doughter with her father. But for this thinge, that is to saye, bicause the strength and power of mariage is suche, that it gleweth faste to gether with streite and moste holy bonde the man and the woman, and dothe make of them/ that be .ij. seuerall and distincte persons/ one body and one flesshe: therfore shall man leaue his father & his mother, & shall sticke to his wife/ that is to saye/ man shal absteyne from the mariages of father and mother/ nor shall not disclose their foulenes, nor shame them, agaynste the holines and chastite of maryage, and agaynst naturall honeste and shamefacidnesse, and against reuercnce, whiche by nature is due vnto them. For seynge that those persons be ioyned moste nye vnto vs/ longe syns/ by the bonde of bloudde and cōsanguinite/ to whome also nature teacheth vs, that we shulde owe other loue/ shamfacydnes, and reuerence/ be syde the loue and reuerence of mariage, truly if they shulde ioyne them selfe to vs by maryage/ bothe the cause/ why maryage was ordined/ shulde lacke the chiefeste and beste ende/ nor shuld

not

not take effecte, and shamefacydnes, honor, and reuerence naturall shulde be vyolate and broken, contrary to all comelynes and goodly behauour.

¶ And that this was the very reasone, and intente of the Leuiticall prohibitions/ this thynge playnly declareth. For god/ did put to the cause of the forbyddyngis after thé/which is this. For it is the foulenes or shame of the father, & it is the foulenes & shame of the brother/ & so forthe: so that if one wolde aske, why it is not lauful for vs to mary our stepmother, to discouer her foulnesse/ there it is answered, For her foulenes is the fathers foulenes, whiche is one body and one flesshe with the father. And if a man wolde demaunde agayne/ why it is not laufull to discouer the foulenesse of thy father, the answere is by cause he is nieste of bloud to the, to whome thou must before al other do honour & reuerẽce/ & cõtrary to do him sham & villany/it is an vnlouinge and not to be spoken dede. And plainly so did Sem & Japhet iudge/ which tought by the prescriptes of nature/ before any lawe was written/ couered them selfe with a cloke, & going backewarde did hide

and couer their fathers priuities/ by cause they wold not se their faders priuie membres. And so doing they had their fathers blessynge, and Lam badde his curse. On this maner ought tho prohibitions, that we shuld not marie our brothers wyse. &c. to be weyed and examined. For seynge our brothers wyse is one flesshe and bloudde with her husbande, and he lykewyse one flesshe and bloudde with his brother, it foloweth well/ that the brother and the brothers wyse, be not. ij. but one flesshe and bloud, and so consequently, that they can not be ioyned to gether by mariage, seinge that it is necessary before they mary, that they be diuers flesshe and bloudde, and so by maryage/ be no longer. ij. bodyes/ but be made one flesshe and bloud.

¶ For matrimonie is forbydden betwene persones of consanguinite and affinite/ by cause that betwene these persones there is a certayne naturall amitie and frendship/ made by the institution of nature, whiche dothe not nede the helpe of maryage to strengthe it, but those persones ought to be coupled to straungers and nothynge of bloudde to them/ to increasse amitie/ loue/

and

and charitie, whiche is increaſſed by mari-enge of ſtraungers to gether. By cauſe that theſe perſones, whiche before were not bounde to gether one to the other, by any ſpecyall bonde, ſhulde nowe be made frendes and louers by the richtes and la-wes of maryage / in the whyche frende-ſhyppe and loue ſtandeth the faſte knyt-tynge to gether of hartis and myndes / and vnitie of wylles. And likewiſe as there ne-deth no maryage betwene them that be of conſanguinitie and affinitie to make loue and charite, and to be of one wyll & minde / no more there nedethe no maryage for to make them of one fleſſhe and bloudde. But thoſe perſons muſt be coupled by ma riage to them, that be ſtraungers and no-thyng of their bloud to make mo perſones of one fleſſhe and one bloud, that by this meane they / whiche before were not boũde one to an other naturally by any bonde of carnall cõiunction, now by mariage ſhuld be made one fleſſhe and one bloud / by the whiche mariage diuerſe perſons be ioyned to gether and made one body. For by car-nall copulation the man and the woman be made one body, and by maryage they,

be greatly profytable to increasse and inlarge loue and charitie betwene christian men, which loue and charite by this thing chiefly doth increasse, if there be made frendeshipe amonge them, whiche be not coupled before by none other naturall bonde of loue: playnely we muste nedes confesse and graunte, that those Leuitical lawes be fit and cõuenient to forme and ordre mens maners, and that they do agre with the teachinge of commune Justice, or honestie and vertue, and that they belonge to the dedes and duties of the morall vertues. For they truly forbydde the, that thou discouer not the foulnes and disbonestie of thy brothers wyfe, for the whiche thynge our lorde reproueth and dampneth bothe the Chananeis, and also the Egyptions. wherfore if thou discouer it, streicht thou haste broken the rule and the order of vertue. And the lawe of nature, and naturall reasone, as soone as they be illychtenedde with the lawe of god, they shall crye oute agaynste the, and thou muste nedes be called playnly an euel an & vnreuerent man to thy kyn, and an inceste persone. For who wyll denie, but that piete and chastite, and

holy

holy kepynge of mariage/cleannes, ſhamfacidnes of nature, ſhame/ reuerence towarde our kynsfolke/ and ſpreddynge abrode of loue and charitie/ be conteyned vnder the rule of cõmune Juſtice or vertues. The whiche vertues all/ no doubte, were the cauſe, why theſe prohibitions were ordyned, and they be the thynges/that of them ſelfe be honeſte/ & are to be beloued and deſired for them ſelfe, and do promote and helpe a man to the obteynynge of the eternall blyſſe. Al be it truely there be many other morall reſons or vertuous & honeſte cauſes/whiche a man maye getber/ partly of the very nature and qualities of the dignitie or worthynes of maryage, of ſubduynge or repreſſynge of bodyly pleaſure/and partly of comlyneſſe / and partly of other circumſtances/ whiche were the cauſe/without doubte/why theſe prohibitions were ordyned. And ſeing the cauſes/ why theſe thinges ſhulde be forbidden, be ſo honeſte and neceſſarye: truely the forboddes and lawes them ſelfe muſte nedes alſo be honeſt and neceſſary.

¶ But it paſſeth mans capacitie to entre ouer far ī to the coũſailes of god, beginner

the whiche were twaine before, be nowe no more tweyne but one flesshe and bloudde. The whiche reason also our sauiour Christ in his godspell doth not abrogate nor take away / but renueth it / sayenge: Therfore now they be no more tweyn / but one flesshe and bloudde. By the whiche wordes it is euidente and playne inough, that the lawe in the boke of Genesis / wherin it is sayde, THAT a man shuld leaue his father and mother and sticke to his wyfe, dothe not seme to be put as a rule of graunte and lycence to mary in all other degrees / onely the father and mother except, but that it shulde rather teache vs / that the vnite of flesshe and bloudde / betwene man and wife ought to be indissoluble and neuer to be broken. And that the same vnite of flesshe and bloudde / seynge that it is amonge the parentes and the children, betwene whom also is naturally vnite of persons, and that they be naturally as it were one selfe same persone, it dothe let mariage betwene them specially and generally betwene all other, that be forbydden.

¶ And this forbyddynge of maryage / by the meanes of VNITIE of the flesshe and bloud

bloudde/ if we wyll knowe howe farre it extendith/we muſt loke for it in the Leuiticall lawe. For all though/as Dunſe wryteth, euen after the multiplication or increaſſe of mankynde, if they had perſeuered and abydden in their innocencie and goodneſſe/ god wolde haue forbydden other degrees beſyde the fyrſte, (For truely there is nothynge almoſte ſo neceſſarye to men/as to knowe the natural lawes of marieng) yet for al that god hath in no place, in the olde Teſtament/ expreſſed thoſe degrees ſo playnely/and ſhewed howe farre their bondes do extēde, and what perſons nature abhorreth to be maryed to gether, as he hath done in the Leuiticall.

¶ And nowe to retourne backe to our purpoſe/ where as we lefte. Truely if it be a poynt of chaſtite, and a poynt of naturall loue, not to diſcouer the diſhoneſtie of thy brothers wife, and if theſe Leuitical lawes cōmaunde the to do them this duetie, this honour/and this reuerēce/and to reſtreyne thy luſte and deſyre of inceſt pleaſure, from them/and to abſteyne and kepe backe thy handes from ſo fylthye and abhominable a dede: Fynally if the ſame prohibitions

be greatly profytable to increasse and inlarge loue and charitie betwene christian men, which loue and charite by this thing chiefly doth increasse, if there be made frendeshipe amonge them, whiche be not coupled before by none other naturall bonde of loue: playnely we muste nedes confesse and graunte, that those Leuitical lawes be fit and cõuenient to forme and ordre mens maners, and that they do agre with the teachinge of commune Justice, or honestie and vertue, and that they belonge to the dedes and duties of the morall vertues. For they truly forbydde the, that thou discouer not the foulnes and disbonestie of thy brothers wyfe, for the whiche thynge our lorde reproueth and dampneth bothe the Chananeis, and also the Egyptions. wherfore if thou discouer it, streicht thou haste broken the rule and the order of vertue. And the lawe of nature, and naturall reasone, as soone as they be illychtenedde with the lawe of god, they shall crye oute agaynste the, and thou muste nedes be called playnly an euel and vnreuerent man to thy kyn, and an inceste persone. For who wyll denie, but that piete and chastite, and

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holy kepynge of mariage/cleannes, ſhamfacidnes of nature, ſhame/ reuerence towarde our kynsfolke/ and ſpreddynge abrode of loue and charitie/ be conteyned vnder the rule of cõmune Justice or vertue? The whiche vertues all/ no doubte, were the cauſe, why theſe probibitions were ordyned, and they be the thynges/that of them ſelfe be honeſte/ & are to be beloued and deſired for them ſelfe, and do promote and helpe a man to the obteynynge of the eternall blyſſe. Al be it truely there be many other morall reſons or vertuous & honeſte cauſes/whiche a man maye gether/ partly of the very nature and qualities of the dignitie or worthynes of maryage, of ſubduynge or repreſſynge of bodyly pleaſure/and partly of comlyneſſe / and partly of other circumſtances/ whiche were the cauſe/without doubte/why theſe probibitions were ordyned. And ſeing the cauſes/ why theſe thinges ſhulde be forbidden, be ſo honeſte and neceſſarye: truely the forboddes and lawes them ſelfe muſte nedes alſo be honeſt aud neceſſary.

¶ But it paſſeth mans capacitie to entre ouer far ī to the coũſailes of god, beginner

and maker of all lawes. And it semeth to vs/that we haue proued this matter/and haue gotten the vpper hande, longe syns. ¶ For if this lawe of Genesis, that a man shall leaue his father and his mother and stycke to his wyfe/was shewed to man by naturall reasone, as in dede it was, euen in Paradise/and before that man and womā did syn: If, I say, natural reason did teche man this lawe, and that accordynge to the rules of cōmune iustyce or vertue, as those causes/whiche we haue rehersid before do shewe: than surely euery one of the Leuitical lawes also/whiche al be plainly groūded vpō the same moral and natural cause that the lawe of Genesis is/ that is to say, vpon nyghnes of bloudde, and whiche do helpe moche to chastitie, honestie, and other vertues/which euery good man must haue, must nedes come vp and haue their auctorite, by the teching of natural reason, as sone as it was lichtned by the worde of god, euen as wel as the law of Genesis. In so moche that who so euer shall breke the Leuiticall lawes wittingly/ being boūde to his owne filthy lust & pleasure, we must nedes iuge, that he setteth nought/nother by

the

the lawes of god nor of mā, so that nother rewardes can moue hym to goodnes and vertue/nor also punysshementes of euerlastynge damnacion can feare hym from his myscheuous lyuynge.

¶ Fynally and for a conclusion seing that these Leuiticall prohibitions be ordyned of god/ and written to the Jues, partly bicause that the wey to such filthy lust of the body shuld be stopped vp: And that there shuld be certaine naturall bondes assigned for maryage/ & some meane or measure set for to maynteine shamfacidnes & chastitie: And partli bicause that bi this way loue & charite shuld be farder spred a brode: For as saint Augustine saith, this coupling and lauful cōming to gether of mā & womā is a planting or sowing of loue & charite: These forsaid thinges considered/ ther is no man that is of Christes religiō/ & beleueth as he shuld beleue/ that wol thinke these Leuiticall lawis to be anulled & takē awei of Christ i the new lawe of the gospel: but that they haue euer kept & holdēfast their olde auctorite, & that we be & shalbe euermore boūd to kepe them/ yea and that although they had neuer ben ordined by none other law.

For

For seinge loue and charitie is the marke/ perfection, and ende of all the hole lawe of the gospell/ and the lawe of the gospell is the lawe of loue and charitie: and seynge that Christe toke moste thought and care for this thing/to encreasse amonge vs loue and charite: and ageine seing that he hym selfe dyd cõmaunde vs/that our iustice and goodnesse shulde passe the Justice of the Scribes and Phariseis, And be suche iustice as a pure iust man ought to haue/and our chastite lykewise: Playnely if Christe wolde haue excepte vs from the bondes of these most holy lawes/so that they shulde haue no power in these dayes vpon christian men, where as we canne not denye, but they haue had power & strengthe amonge the Jewes in tyme passed: forsothe besyde many other absurde and vnresonable thinges, these. ij. chieffly shulde folowe. The one/that the olde law, and Moses, the auctour therof, shulde be farre more perfecte than Christe/& his newe lawe. The tother/ that Christe hym selfe shuld seme to haue giuen more large and fre libertie to fylthy luste and pleasure euen vnto vs/ whiche be christian men & spirituall people/ and that

lyue

lyue by the ſpirite of Chriſte / and by the holy goſte, than he did giue before tyme to the carnal Jues. The whiche. ij. thynges, it is euidēt & playne, that they be moſt abſurde, and as moche agaynſt all reaſon as can be. ¶ For Moſes neuer ordined nothinge / that doth leade a man immediatly & ſtreicht to any vertue or morall perfection, but the ſame thing is alſo commanded orels confirmed in the lawe of the goſpel, by Chriſte him ſelfe, other by expreſſe wordes, orels ſo, that it might be vnderſtande. And al that euer do expoune this place of Matthewe, where he ſaith, J am not come to breke the lawe / but to fulfyl it, do ſhewe this thynge as euidently as can be: For al they, with one voyce / and with one ſpirite or mynde / do agree to this thynge / that as Chriſte did take awei none of thoſe lawes / that were but ſygnes or tokens / or ſhadowes of thinges to come, but rather did fulfyl them, and that by. iii. meanes: Fyrſt bicauſe he did finyſſhe and ende the fygures of the olde lawe: Seconde / bicauſe he did performe them in dede: Thyrde bicauſe he declared, what they meaned: Euē likewiſe he did fulfyl al the morall preceptes / bothe

as

as touchinge the perfecte knowlege and vn derstondinge of vertue & goodnes, whiche he hadde and also taught it vs: and ageine as touchinge the execution and doynge accordinge to the same knowlege: and more ouer as touchinge the relyfe and remedy, wherby he saued mankynde from euerlastynge damnation after the fall of Adam, or els, as Duns saythe, in other wordes/ Christe did not take away the morall lawe of Moses, but onely did declare it more playnly then the Jues did vnderstonde it/ and did make & adde to more perfecte remedies for our saluation then Moses.

¶ For thus sayth saynte Augustine, By cause, sayth he, the Jues vnderstode manslaughter/ to be nothinge, but onely the sleinge of a mans body, wherby he shuld lose his lyfe, & bycause they thought & vnderstod, that adultery or fornication was onely the vnlefull bodely copulation with a woman/ Christe opened & taught/ that all and euery ill motion, pourpose/ will, or consent to do our brother harme, is compted for a kynde of manslaugbter, and that euery vnlefull desyre to bodely pleasure is fornication & adultery. Ageyne/ THESE proude

PROVD folke/whiche iustify them selfe/ and in their owne conceit thinke them selfe good, the lawe hath got them in her bondes and daunger/ by their gylte and saute of transgression or breakyng the lawe, and so the lawe increasseth their syn/in that it byddeth them to do that/whiche they be not of power to fulfyll/ and therfore the iustice or goodnes, that the law doth teche vs/is fulfylled and perfourmed by the spirite of Christ. And bicause truly it is harde euen for them, that be vnder the grace of god/ and be ruled by the grace of god to fulfyl and vtterly to kepe this, that is writen in the lawe: Thou shalte not desyre: Christ became the sacre preest/ & bi the sacrifice or offerynge vp his body dothe get vs perdon/remission/ and forgyueneſſe of our synnes/ and so he dothe fulfylle the lawe in this poynte for vs/ so that that thinge/ whiche we be not able to do our selfes, bycause of our infirmite and weakenes, is recouered & made vp by the perfect goodnes of him, whiche is our heed/and al we christian folke membres to the same heed. For the hole church of Christ or al christiā people make one body, wherof Christ is heed.

To

¶ To the whiche sentence agreethe also saint Jreneus/ Our lorde, saith he, did not fordo the natural preceptes of the lawe/ by the which a man is iustified & made good/ the whiche lawe euen syns it was gyuen/ all they kepe, that were iustified by theyr faith/ and pleased god. Our lorde, J saye, dyd not adnull them, but he dyd extende and enlarge them, ye and fulfilled them/ or made them perfecte, as is playne by his owne wordes/ which be these. Jt was said to the Jues in the olde lawes/ thou shalte not commytte adultery e/ but J saye vnto you, that who so euer dothe loke vpon an other mans wyfe/ with mynde and wyll to medle with her, hath committed adultery nowe al redy euin in his harte. All these wordes truly, sayth Jreneus, do not contrarye nor anull these thynges, that were writen before in the olde law, as they whiche folowe Marcion saye/ but fulfyll and make them perfecte / as Christe hym selfe sayth, Excepte your iustenes and goodnes passe the iustyce and vertue of the scribes and Phariseis/ you shal not haue the kingdome of heuen. And wherin, sayth Jreneus, shuld we passe and excelle the Scribes

and

and the Phariseis? Firste truely that we shulde beleue, not onely in the father, but also in his sonne, whiche is nowe manifestly knowen amonge vs. Moreouer that we shulde not onely speake well, and after the lernynge of Christe, but also do accordyng to the same, which the scribes and Phariseis dyd not: whiche somtyme spake well, and did not therafter. Last of all, that we must absteine, not onely from yll dedes, but also from the thoughtes, wylles, & desires of all euyll. And as for these thynges he taught not as contrary to the law, but put them vnto it to fulfyll and make it vp, and to roote in vs the iustifications and perfectnes of the lawe. For where as Christe did cõmande vs to abstein, not only from those thynges, that were forbydden by the olde law, but also from the noughty lustes, desires, and wyll of the same: this thynge is not contrari to the lawe, as we said before, nor breketh not the lawe, but fulfilleth and increasseth the lawe.

¶ Therfore by cause all the naturall preceptes be commune to vs and to them, and we be as well bounde vnto them, as they were amonge them, trewly they had their

beginning & first springynge vp/ in vs they toke their ful perfectnes. For truly to submit our selfe vnto god, to folow his worde and cõmandement, and aboue all thynges to loue him/ and to absteyne from all euyll doinge/ and all other lyke thinges, whiche be cõmune both to them and to vs/ shewe and witnesse, that both they and we haue one selfe same god, whiche as he did firste begin such lawes, so he did neuer after adnull them/ but dyd fulfyll and make them more perfect/ and did increase, and inlarge them amonge vs christians and faithfuls. ¶ And to this purpose writeth saint Augustyne also. Certeynly, saith he, no man shulde doubte/ but that the olde lawe of god/ whiche hath toucht vs suche thynges, as belonge to vertue and to good maners, is as necessarye for vs nowe to leade and instructe our lyfe withall/ as it was at that tyme to the people of the Jues. For who wyll say, that that commandement, whiche is written in the olde lawe: That who so euer hath founde any thynge/ he muste restore it vnto hym/ whiche hath loste it, and many other lyke, by the whiche we lerne to lyue louyngely and vertuously

ously, do not belonge vnto vs, that be chri-
stian men, and specially the. x. commande-
mentes, whiche are conteyned in the two
tables of stone. For who is so wycked, to
say, that he ne wyll kepe the commaunde-
mentes of the olde lawe, bycause he is a
christian man, and therfore is not vnder
the lawe, but fre and vnder grace?

¶ To the whiche thynge agreeth Mar-
cus Marulus Euangelistarius, seyenge,
That what so euer is in the lawe, that be-
longeth to the instruction and ordrynge of
our lyfe and of our maners, ought as well
to be obserued amonge vs, that be nowe
newe men in Christe, as it was amonge the
Jues and the olde men, that were in tyme
passed, and that we ought to make it com-
mune with the godspel, and to take it as a
parte of the godspell, and that of the mo-
rall preceptes, both of the newe testament
and the olde, we oughte to saye as Dauid
sayth: The wordes of god be tried & pure
wordes.

¶ For truely it is not with out maruai-
lous great reason, why that moral precep-
tes of the olde law shulde styll yet endure,
& shuld bynde christian men to kepe them.

For as saint Thomas saith, Euery man/ as sone as he is lyghtened by the lawe of god/ hath a certayne naturall motion or inclination planted in hym, for this purpose/ that he may do accordinge to vertue. for euery thinge naturally is inclined to do that worke/ whiche is agreable with the propre nature of it: as fyre to heate. Now mans soule/ folowinge reason/ is the chiefe part of the nature of man/ which lichtened with the worde of god, teacheth, that we shuld do tho thinges onely/ which of their owne selues be good & vertuos. For truly euery mans owne reasone, lichtned by the word of god, doth naturally teache hym/ that he shuld liue vertuosly and honestly: And playnly/ seynge that all morall preceptes in the olde testament do nothynge, but commande vertuos dedes/ by the whiche the soule of man may ordre it selfe wel, as it ought to do, not onely to god, but to his neibgbour alsо: terfore Christ did not adnulle any of these preceptes by his comminge. For euen as the grace and fauour of god/ doth presuppose our nature, yea maketh it full & perfet/ so truly the godspel did neuer breke and adnulle the naturall

lawes

lawes / but did stablisshe and make them perfecte / and brocht them agayne to their fyrste perfectnesse of nature, in so mocbe that what so euer morall preceptes of the olde lawe, do agree with the lawe of nature, whiche Paule saith, is written in our hertes, do euermore endure and remayne in their power and auctoritie, nor no christian man is fre and lose from them, but all persons / as concerninge the playne vnderstondynge of them, of necessite be subiecte and boũde vnto them / although they had neuer be ordined by no mans lawe. For all the lawes of the olde testament / whiche so euer agree with the lawe of Nature and with vertue, nor do not onely withdrawe the hande and body / but also the mynde and will of man / why shulde they not be receyued amonge christian men?

¶ For god forbid / that any christian man shulde contracte suche mariages / whiche, as saynte Augustyne writeth before / euen the cruell bethens and barbarous people, without all ciuilite hath for very honestes sake, euermore abhorred. The whiche vnlefull mariage Christe dyd so greately abhorre, that he semed rather to go aboute

to drawe backe the bondes of mariages to the olde and fyrste state of nature whan it was create. And for this cause he brought mariage home agayne to his firste begynnynge/that one man shulde haue but one wyfe, and that he shuld be bounde to kepe her euermore/and neuer to put her away: For bycause, saith Christe, it was so at the begynnyng. and he wolde haue made and brought to passe, if the present myserable wretched state of our exile and banyshing wolde haue suffred it, that there shulde haue ben no foulenes nor fylthynes in the workes of mariage, and that it shulde be euen so/as saint Augustine sayth, it was in the begynninge of the worlde/ THAT all our mariages shuld be so clene/that they micht wel become them, that shulde lyue in the felicite of Paradise/ bothe bauynge childerne, that they shulde loue/ and no fylthy pleasure/that they shulde be ashamed of.

¶ Furthermore wherto shulde Christe haue antiquate and annulled the Leuitical lawes/ the whiche streicht after he wolde inspire in to the fathers of his fyrste and primitiue churche/and wolde commaunde them

them to make those lawes of newe? wolde Christe haue exempte vs from the lawe of god/and that in tho thinges/ whiche haue so euident and playne token of vertue in them, vnto the whiche he wolde streichte after that we shulde be bounde/by the decrees of the Churche?

¶ And finally/why dydde the sacre holye churche forbid vs to do those thinges, but bicause it iudged them / to be maruaylous foule/vnhoneste, and vncleane? But howe or wherby may that / that is cleane or honeste be discerned and knowen a sonder fró that, that is foule and vnhoneſt/but by the cómandmentes of god? For if the churche hadde forbydden suche maryages / and had iudged them foule and vncleane, for none other thinge/but by cause they were forbydden in the olde testament vnder the name of ceremonies/as diuersyte of meates/of dayes/and of places/ and suche like thynges / as be forbydden in the olde testamente, it mycht be lefull to make an obiection/and to lay agaynst the church that thing, whiche is said bi god vnto Peter in the actes of the apostols/whiche wold not eate of al maner of meates, but did forbere

certayne meates/ that were forbydden in the olde lawe/ vnto whom god saith thus: That thynge, whiche god hath puryfied and made cleane/ call not thou it foule or vncleane.'

¶ But seinge that the ende, the intent/ the pythe/ the strengthe, the reasone of these Leuiticall prohibitions do yet remayne amõge christian men/ & be writtẽ in heuen/ & euermore indure: truly a christian man/ whiche doth take vpon him more perfecte faith, hope, & charitie/ than the Jue/ muste be moued to kepe these forbiddynges only by his feith/ & by the holy goste, more thã the Jues by the letter & law. For god forbyd/ that the holy bonde of loue & charite betwene kinsfolke/ that the faste knotte of mariage whiche in no wise oucht to be vndone/ & the working of the lyuely trewth and of reasone/ whiche naturally moue a man to goodnesse, shulde not be iudged as holy, as cleane/ as vnfilthy, as pure, as chaste, and as well to be obserued amonge christian men/ as they were in tyme passed amonge the heathens/ and the Jues. And god forbydde/ that christian men shulde chaunge the libertie of the spirite, in to the

filthines

fylthines of the body. for if they that flee the foule pleasures of the worlde / for the knowlege of our sauiour Jesus Christe / be agayne intangled and ouercome with the same / they be in worse case nowe than they were before at the begynnyng. For it were better for them neuer to haue knowen the wey of iustice and vertue / then after that they knowe it, to tourne away ageyn from that thynge / that was geuen to them by a great and a holy commaundement.

Certes if Noes sonne did not escape vnpunisshed, for discoueringe the foulenes of his father, nor the Egiptions / nor the Chananeis, for the discoueringe of their owne kynsfolke / and of them that were nigh of their bloudde / for the whiche dede god, by his godly iudgement and sentence / dydde spue them out of their lande, whiche were heathens: Nowe shall a christian man auoyde the displeasure and vengeaunce of god, if he committe the same thinges, that they were punisshed for. For knowe you this well / and take good hede of it, that no fornicator, nor lecher, nor fylthy persone / shall haue berytage in the kyngedome of Christe and god.

¶ Nor truely it nedeth not, that our aduersaries shuld demãde of vs / why Christ did not make expresse mention of the Leuiticall lawes in the godspell, if he wolde haue had them liued and indured amonge vs still after the Synagoge or olde lawe was deed. For truly he did not make expresse mention of them, by cause he hadde cõmaunded longe before, that they shuld euer to come continue / and neuer fayle / seinge that he dothe abhorre suche fylthy mariages / and curseth them not onely amonge the Jues, but also amonge the heathins / meaninge / that he will mocke more abhorre them, if they be amonge christyan men.

¶ And bycause he did commaunde playnly in the gospell / that the iustice and goodnes of vs, that be christians / shulde passe the iustice of the Scribes and the Pharyseis / where in a generall rule that we / which be called christian men, shulde not be wors in any thing then the carnall people, but that we shulde be better then they in all poyntes.

¶ Nor we must not thinke / that no thinge is forbid bi the law of god / but that / which

is

is expresli and plainly set out in the gospel. For the apostols write and publisshe many thynges, whiche they toke of the very mouth of Christe/ and yet they be not written in the boke of the newe testament.

¶ And the catholike and vniuersal church hath approued many thynges for goddes lawes/ of the which there is neuer a worde spoken in the newe testament, as is this/ That confession in no case ought not to be disclosed, and suche other thynges. For so doth Dunse also proue/that the secrete confession in the eare is of the lawe of god, not bi cause it is written in the newe testament/ but by cause it can not be shewed/ whan it was fyrste begonne. Playnly it is heresye to affirme, that there is nothynge goddes lawe, but that, whiche a man may poynte vnto with his fynger in the newe testament. For by this meanes the sacramentes shulde be taken a wey, & shulde be receyued onely by the constitution of man. Nor truly there is no mention made in the new testamét of the forbidding of mariage betwene the father in law and the doughter in lawe, whiche thynge neuertheleſſe to be forbidden by the lawe of god/ saynt

Nic.

Hierome doth testifye.

¶ And also if our aduersaries wyll stycke and holde them to this, than let vs occupie vsurye/and lette vs gyue money by exchaunge/ and require it ageyn with vsury, lette vs also haue many wyues/ and lette vs couple our selfe with al maner of bestes/ nor lette vs not paye the tythes of all our frutes to the prestes/ nor let vs not confesse our synnes to them / nor lette vs not go to them/whan so euer there is any doubte betwene bloudde and bloudde/betwene lepri and no lepri. For there is none of these expressely commaunded or forbydden in the godspel, or in the writinge of the apostols/ but for to bynde vs to the keping of them, be cyted and alledged the wrytynges of the Prophettes.

¶ But this thynge dyd lychtly deceyue them/ that be ageynst the libertie and fredome/ whiche we haue by the gospell, bycause they did not knowe the difference betwene the newe testament and the olde/the gospell and the lawe, Christe and Moses: whiche if they had knowen very wel, they shulde not haue ben so foule deceyued and blynded in this matter. And contrary by-

cause

cause they did not discusse them, and seke them out to the vttermoste/nor did ponder and way them so diligently as they shulde haue don/ we se/ that by this meanes they were brought in to this errour/ that they thought/ that euery thinge, whiche is not expresly forbidden in the newe testament, is laufull for christian men to do. By the whi che errour, we do thinke/ that the same man of Corynthe was deceyued/ whiche maryed his stepmother. For seynge that he harde the lybertie of the godspell/ by the whiche we were made free frome the lawe of Moses/ greately commended and preysed of the apostols/ and knewe that it was forbydden by no lawe of the godspell/ to marye whome so euer he wolde, streychte he, abusynge the sayde libertie, dydde agaynste the Leuiticall lawe/ marie his fathers wyfe. But he was mooste rychtfully condemned of Paule/ not only bycause he had broken Moses lawe/ whiche forbiddeth it, but bicause he was disobediēt to the honestie of nature/ whiche naturall honestie the godspell hath euer approued. and it shuld be suche a pestilēt exemple of a mooste leude libertie amonge christian

christian men/as euen amōge the hethino/ bycause of the reuerence of nature, coulde in no wise be suffred to be don.

¶AND TRVELY HITHERTO, most gentyll reder, we haue serched out the holy secresy of the scripture of god, deuoutly and reuerently, for this intent onely, with peyn and labour to seke out and to mayntein the truthe, and suche argumentes and reasons/as semed after our iudgement to make most for this matter, we haue soucht them oute of the definition and very substance and nature of those thinges, that we treate vpon, wherby thou mayst playnly perceiue/moste gentil reder/that these Leuiticall lawes/whiche forbydde/that we shulde marie our brothers wyfe/be the lawes of god. And more ouer lawes moral/longynge to vertue and good maners/ and not iudiciall. And this is no doubte/ seing that they haue in them naturall reasone/fetched from the begynnynge of the worlde, euen out of the secrete ordinaunces of nature. For we haue proued by the auctorite of god/or of holy scripture, that as it was ordyned of the moost beste mynde, which

which is god/euen so it was ordined vpon the moost beste reason and consyderation: that is/ onely for a zele of chastite/of naturall shamfacidnes/and other vertues/that no man shulde marye his brothers wyfe. we haue shewed howe agaynste nature/ howe fylthy and abhominable it is/ and vtterly vnmete for a christian man/to contracte mariages in that degree. we haue shewed howe greatly contrary it is to the ordre of loue/ and of the reuerence, that shulde be betwene kynsfolke/ and what a confusion it shulde cause of names of kynrede, & how moche it is ageyn the increase of loue & charitie: we haue shewed/ that holy & deuoute christian eares/do abhorre it/and can not suffre to here it spoken: we haue shewed/ that besyde the great punisshmentes and vengeaunce, that god taketh on men in this lyfe, that also the punisshement of the euerlastinge fyre of helle abydeth them/ whiche be not afrayde to commit this syn. By the whiche reasons without doubte it is euident and playne, that these Leuiticall prohibitions be the lawes of god/ and morall/ bicause they cō mande those thinges to be don/ that be honeste:

neste / and forbydde tho thynges, that be foule and inhoneste, and suche thynges, as the naturall reasone of man clered by the lychte and bryghtnes of the worde of god / sheweth / that they ought to be done / or not done, accordynge to the rule of generall iustice / otherwyse calledde vertue and honestie, and so they be of strengthe and auctorite to bynde man to kepe them, euen by the instruction of reasone / so illychtned and restored / and that, thoughe they were neuer commaunded by none other lawe.

The seuenth Chapter.

NOwe seyng that the commun consent of all wryters/and expouners of mannes lawe and goddes lawe, specially those that be approued by the iudgement of the churche/hath stedfastly holden and obteyned, as a thynge to be taken for a treuthe, that all the morall preceptes of goddes lawe, do yet indure sacre and holye/ and by the lawe of god do bynde vs so streytely/and of suche necessite, that they be not vnder the power of the churche/ and that no persone, vnder god hym selfe, can release the streite bonde of them/ and lose from them/whom it pleseth him: Truly it is euident, that no pope can bi any dispensation giue licence/that a man shuld mary her/that was his brothers wife: the whiche, as we haue shewed you before, is forbiddē/ and that the prohibicion is both the lawe of god/and the lawe morall groūded vpon honestie and vertue. But bicause that this our conclusion may stonde yet the more stedfastly ageynst al cauillacions/false accusations, and vnrichtfull outcries and

sclaunders of all persones/ we wyll assaye to declare & stablysshe these thynges more largely/ bothe by other reasons/and by other sayenges of auctours. In the whiche thinge we be all mooste ouercome with the multitude and great noumbre of them/ so that scante we can telle, where we shall fyrste begynne.

¶ But let this be the fyrste/ That all preceptes/whiche be commanded by the lawe of god/ & the law moral/do bynde vs to do them/ so that without remedye we muste nedes kepe them, if we wyll be saued. For suche cõmandemẽtes do so expresse and declare the minde of god, our lawmaker, and be so grounded vpon the precise rule and teachinge of cõmune iustice. (whiche rule of cõmune Justice or vertue came of the wyll of god/that is mooste iuste/ and mooste beste, to forme and ordre vniuersally the maners and lyse of man) and finally haue so moche of the nature of very true vertue in them, that there can chaunce no case, nor no resonable cause be imagened, but that if we do contrary to them/streicht waye we do contrary to the wyll and pleasure of god/whiche specially regardeth the commun helth

and

and ſalūation of all/ and do peruerte and tourne vp ſette downe the ordre of verye richt and honeſti; deſtrue al the nature and courſe of vertue/ and fynally it can not be choſen, but that we muſte falle foulye and wretchedly into ſhamefulll vice and ſynne. In ſo moche that what ſo euer pope wyll go aboute to dyſpenſe with the bonde of them, he truely ſhall do nothinge els/but peruerte the ordre of iuſtice, or vertue/and breake the courſe of vertue, and giue leude liberte to ſynne/that is, to abuſe his auctoritie and power to deſtruction/ not to buyldynge and ſettynge vp/contrari to the sayenge and mynde of thapoſtol. For thus vſynge his power, he ſhulde deſtroye vertue/and ſet vp vice. For what licence can be gyuen? or what recompenſe can there be, for this, that a man might haue libertie to ſynne/and not to kepe hym ſelfe from vice? what perdon or diſpenſation can there be, that god ſhulde not be worſhypped/ and it to be no ſynne? what cloke or colour can be founde, that a man mychte commytte adulterye, but that the ſelfe ſame colour ſhulde tourne vp ſo downe all vertue/ and publyke iuſtice? what power maye make it

laufull for vs to murdre and steale, these thynges kepynge their names / and theyr natures of murderynge and stealynge:

¶ Nowe then seynge that nothynge can perteine more to the. x. commandmentes, nor more strongly moue the iudgement of the richt reason, then can natural reuerẽce / the holynes of chastite, the increase of loue and charite / the holy kepynge of mariage / shamefacydnes and loue towarde them, that be of our bloud and our affinite / and finally al other vertues, whiche as we shewed sufficiently before / were the cause / that these prohibitiõs were made / we ought to beleue, that with them truely the pope can in no wise dispense. And this thing is easie to se / bycause that the reason of these Leuitical lawes is suche / that in no case it can not be disseuered from them, by cause the reasone is grounded vpon suche naturall vertue aud honestie / whiche must neuer be leste vndone. yea and seing that now there is suche multitude both of mankynde and womankynde / there can be no case imagyned for the breakynge of those prohibitions, whiche for any profet or nede / shulde do so moche good, as is the goodnes / that

cometh

cometh by kepinge of the ſame.
Cyea and more ouer / many wytneſſes of ſcripture do euidently proue, that in theſe thinges / whiche be commaunded by the morall lawe of god, we ſhuld euer do and teache that, that is cõmaunded: hauynge no regarde of ſclaunder or of neceſſite. amonge the whiche be theſe places chiefly, HE that loſeth any of theſe leaſt cõmaundementes / ſhall be called the leaſte in the kyngdome of heuen. Agayn this. IF thou haſte brought thy offerynge vp euen vnto the altar / and there doſte remembre, that thy brother hath any thinge agaynſte the, leaue thy offring there, and go thy wayes / and fyrſt reconcile thy ſelfe to thy brother / and be at a grement and accorde with him and then come and offer vp thyn offringe. Alſo this place, LET the deade bury the deade. Ageyn / IF you knewe what this is that god ſayth, I VVIL haue piete / mercy and compaſſion, loue and charite / and not ſacrifice, you wold neuer haue condemned the innocẽtes or the fautles. Jté, VVHER fore do you breake the commaundement of god / for your lawes traditions and teachinges. Jté, COME bebynde me Sata-

nas. for thou sauerest tho thinges, that be of man & not of god. Item, SCRIpture may not be losed or dispésed with. Item, THE prophetical scripture belongeth not to the interpretatiō of man, and suche like. Of the which placis it is euident & playn, that no seruyce or obedyence, no sacrifyce nor offeryng/ no werke/ be it neuer so good to our sygbt and fantasye/ nor no tradition or ordinaunce of man/ is acceptable to god/ if that it withdrawe vs by any maner of thynge/ from the obseruation and kepinge of the commaundementes of god/ and the moral preceptes/ as these Leuiticall prohibitions be.

¶ And these thynges saynt Cyprian also/ proueth/ and confirmeth/ beside those auctors, that we haue rehersed before. For he saith, it is necessary, that in al our werkes we be subiecte and obedient to the cōmandemētes of god, nor no man for fauor or respecte to any person in suche thynges may graunt any perdon/ where as the law of god commaundeth the contrary.

¶ Also Basilius proueth the same. Bycause, sayth he, that amonge all causes, that chance amonge vs/ whether they be i

wordes

wordes or in dedes, some be distinctely determined in holy scripture, bi the worde of god, some be passed ouer and not spokē of at all: As for those, whiche be wrytten in scripture, there is no licēce at al graūted to any mā, either to do that, that is forbydden, or to leaue that vndon, whiche is commanded. For our lorde him selfe hath gyuen this commandment, and sayth vnder this wise, AND kepe thou this worde, which I cōmand the this day. Thou shalt nother put any thing to it, nor thou shalte not take any thing from it. yea and moreouer there shalbe a terrible expectation of the day of iudgement, and of the fyre, that shall come from heuen, whiche shall consume all them, which haue ben so bolde to do any suche thinge. ¶ And the said Basilius in another place saith, That he, whiche is a p̄sident, & a spiritual ruler ought to be as a minister of Christ, & a distributor & almosynar of the misteres of god, & to fere lest he shuld other speake or commande any thinge beside the will of god, and beside that, whiche is euidently cōmanded in holy scripture, leste he shulde be founde as a false witnesse of Chryste, or a thefe of sacre

holy thinges, other bringyng in any thing which is strange vnto the doctrine of god/ orels leauinge out some of those thinges/ whiche be to the pleasure of god.

¶ Also saint Ambrose maketh to this purpose, for he, expouninge, in the .iij. of Genesis/ the answere of Eue, sayth thus. The proces of all this present lesson teachethe vs/ that we oughte nother to take awaye any thynge from the commaundementes of god, nor yet to putte more vnto them. For if saynt Johñ gaue this iudgement of his owne writynges, saynge thus, IF any man shall adde vnto them/ god shall cast vnto hym those plages and vengeances, whiche be wrytten in his boke of reuelations: and who so euer shall take away any thinge from the wordes of this prophecy/ god shal wype his parte cleane out of the boke of lyfe: Nowe moche more muste we be ware, that we take away nothinge from the commaũdementes of god/ nor put nothynge to them?

¶ Also saynte Barnarde maketh for this pourpose. I vnderstonde, saithe he, that thinge to be so necessarie/ that it can not be broken, not that, whiche is ordined by man,

manne/but by god/ and can not be chaunged in any case/ excepte it be by god/ whiche made it.

¶ And a litell after / in the same boke/ the said saint Barnard saith, That he, whiche is of lesse power, can not dispense in those thinges / whiche be ordyned by bym/that is of greatter power.

¶ And also pope Fabian maketh for this pourpose. Ye truely, saith Fabian, that dredeth god, doth not consent in any wise/ to do any thinge contrary to the godspell, contrary to the apostols/ contrarye to the Prophettes, or contrary to the ordynaunces of holye fathers.

¶ Also in this thynge agreeth Jsodore, and saythe: Jf that he, whiche hath rule, do him selfe, or commaunde any other to do/ any thynge/that is forbydden of god/ orels if he do leaue vndone, or bid any man leaue vndone that, whiche god hath commanded: the sayenge of the holye apostoll saynt Paule muste be rehersed vnto hym, YEA if we our own selfe/saith sait Paule/ or an angell of heuen do teache you any otherwise/thá we haue touchd/cursed be he: And if any man do forbid you that, which

shulde do ageynst god/ obeieng the iudge/ whan he commandeth: moche more then shulde he do ageynst god, folowyng onely the dispensation and licence of the iudge.

¶ Saint Thomas also is of the same opinion. for he in many places of his werkes, which partli we haue afore rehersed, doth plainly shewe/ that the prohibition of mariage/ as concernynge degres of consanguinite and affinite/ whiche be expressed in the olde lawe, do belonge to the naturall and morall preceptes. And that the pope can in no case dispése with those thinges/ whiche belonge to the natural law/ and to the lawe of god.

¶ with saint Thomas agreeth Alexander de Hales, Dunse, Richarde de Media villa, Durandus, Albertus magnus, Franciscus Maro, Gerson, Gabriell Biel, Heruaeus, Jacob Almain, Barnardus de Trilla, Antoninus Florentinus/ and many other beside these/ whiche playnely do saye, and holde stiffely/ that it can not be proued by no good right/ that the pope can in ani case dispése with any of those prohibicions/ that be made by the lawe of god and by the lawe of nature. For they saye, that it is

not reſonable, that they/whiche be of lyke power/ſhulde haue power one ouer thother/thā it ſhuld be moche ageinſt reaſon/ that the inferior ſhulde loſe or diſpenſe with that the ſuperior hath bounde: or bynde men to that thinge, whiche the ſuperiour hath not bounde men vnto.

¶FVRTHERMORE beſyde theſe reaſons of natural honeſtie/ſhame, and reuerence/whiche we haue ſhewed afore, an other cauſe of this Leuiticall prohibicion, That a man ſhuld not marie his brothers wife/is the wyl of god, whiche is the very and trewe Juſtice. For god wyll not this thinge or any other, bycauſe it is iuſte and richt, but therfore it is iuſte and richt/bycauſe god wylleth it/as ſaynte Auguſtyne ſaith. Therfore ſeyng that from this dede, nother the ylnes of it can be taken awaye/nor any goodnes put vnto it by any other maner of meanes/but that the mynde and wyll of the lawemaker muſt be chaunged: truely there can none diſpenſe with ſuche lawe/but he that ſhalbe able to chāge alſo the wyl and minde of the lawemaker. For the dyſpenſation cauſeth, that he, with whom we diſpenſe/is not bounde to that thinge

thinge/to the whiche before it apered/that he was bounde by the wordes of the law. But no pope of Rome can change the wyl of god. For he/seinge he is Christis vicar, ought to folowe Christe/& to do as Christe did, and not to contrarie him in any thing, nor in any thynge to swarue from his doynge: and Christe nother did nothing, nor sayde nothinge/but onely that he had taken of his father/nor brake nothing of thé/ whiche his father commanded and wolde haue done. And seinge that the pope hath taken of Christe/ shepe and lambes to fede with the lernynge of the churche, or of the gospell, and is onely made a minister and Almoysnar or dispenser by Christe of the sacramentes/which be ordined of god and Christe, Finally seynge our lorde did commaunde hym to teache all men to kepe all maner of thynges, what so euer he hadde commaunded them: god forbyd, that the Pope of Rome shulde thynke it lefull for hym to chaunge the wyll of god, and that he hadde power to couple those persones to gether by mariage, whom the law of nature & of Moses/wherof god him selfe is the auctor, hath forbiddē to be coupled to gether.

getber. For if he ſhulde do it, plainly he ſhulde not be that bleſſed and faythefull almoſynar and diſpenſer of the worde of god, gyuynge in tyme meaſure of corne/by the whiche mens ſpirites ſhulde be refreſſhed, and their ſoules ſhulde lyue, but he ſhulde rather be a wretched vnhappy waſter and a ſpender, that ſhall be caſt out into extreme darkenes/and ſhulde be the enuious felowe, whiche ſowed amonge the good corne/that is to ſay/ī the ſcripture of gōd plenty of Cockel or Darnel/and ſuche other wedes/ whereby the ſoules ſhulde waxe lene and periſſhe for euer. For Chriſt him ſelfe ſaith, HE, that hath my COMmandemētes/and kepeth them, that is he, that LOueth me: and he that LOuith me not/ doth not kepe my commandementes. ¶Vpon the which ſayenge Cyril writeth thus. Theſe thinges, ſaith he, hāge meruciouſly well to getber/ſo that the tone muſt nedes folowe of the tother. For if to kepe the cōmandmētes of god, is to loue god, it muſt nedes be/ that to breke the cōmandemēt] of god/is to hate god. and ſeing that no mā can loue god, and breke the cōmandementes of god: howe then by any maner

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of iuste and lausull cause maye the Pope gyue lycence, that a man shulde discouer the soulenesse of his brother/ the whiche dede nature and the lawes of god do abhorre? except he wyl runne into that mooste rychtefull condemnation / whiche Paule threteneth them/whiche do euyl thynges/ that there may come some good of them.

¶ Truely pope Zosimus saythe/That the auctorite of this seate of Rome can change nothynge ageynste the decrees of the holy fathers.

¶ Also pope Leo writeth to Anatholius and saith, that the ordynaunce of the Nicean counsaile coulde in no case be dispensed withall at any tyme.

¶ And so Isodor, in the boke of the councels, citeth/that pope Damase sayth: Bicause that suche persones may (and that not without reason, sayth he) be thought to blaspheme and speake vnreuerently ageinst the holy gost/whiche constreined by no necessite/but of their owne plesure / and of a frowardenes/ do take vpon them any thinge, that is ageynst the holy canons, or els consent willyngly to other/that wyl do any suche thynge: Therfore the rule of the

holy

holy canons/ whiche be consecrate by the spirite of god/ and by the reuerence and allowyng of al the worlde/we ought faithfully to knowe, and we must handle them diligentely, lest that we do breake by any meanes (whiche god forbyd) the statutes and decrees of the holy fathers, without ineuitable necessitie.

¶And the selfe same Pope Damas wold not take vpon him to determine the cause of Bonosius the bishoppe, by cause that the Synod of Capua had committed it before to be examined of other iudges, playnly shewynge, that it was not his parte to medle with those matters, in the whiche the Synode had medled before.

¶And finally pope Hilarius wolde haue his decrees confirmed by the counsell..

¶By all the whiche reasons it is euident and playne, that euin in those lawes/ whiche be only the constitutions and ordinances of the holy fathers, the Pope can not dispense without inuitable necessitie/ and suche necessite as can not be other wyse auoyded. Nor truly it is not conuenient for a prince or a ruler to desire to abrogate

and adnull without consideration a cause/ that thinge, that a nother prince or gouernour hath ordyned with great studye and peyne, and for weighty causes: howe moche lesse than ought that to be suffred/ that other the pope him selfe doth ageynst the lawe of god, or gyueth lycence to other men to do it? Specially seynge it is not founde in no place of goddes lawe, nor yet in the ordynances of the fathers/ that any suche power is graũted to the pope.

¶ For by these wordes, VVHAT so euer he shal lose vpon erthe, shall be loosed in heué. And VVHAT so euer he shal binde in erthe, shall be bounde in heuen/ he hath doubtles power giuen him: not wherby he micht reuoke the lawe of god/ or breke and dispense with any parte of it: but he hath power to bynde mennes synnes/ and that not generally and in all cases/ but fyrste it muste be supposed/ that he vseth his Keye with such discrecion and richt iudgement, as he ought to do. Therfore Christe, before he spake these forsayde wordes/ sayde thus as folowethe: I, SHAL gyue the, the keyes/ that is to saye/ I shall gyue the power to discerne and iudge lepry/ from

from no lepzie/and power to lette in/ and ſhutte out from the kyngedome of heuen,all ſuche as thou haſte ſo iudged by rychte. And nowe, what diſcrecion/ and rychte iudgemente ſhulde this be/ if the Pope wolde take vpon hym for to coupul to gether in mariage, by his diſpenſacion thoſe perſones, whome the lawe of god & of nature doth forbyd to come together, ſeynge, GOD hath commaunded, that his commaundementes ſhulden be kepte to the vttermoſte poynte? Truely though in the orderynge of thoſe actes/ whyche of them ſelfe be indyfferent/ and nother good nor badde/ his Keye of power in a maner reuleth more thanne his Keye of lernynge and ſcyence: yet for all that/ in the determinacion and orderynge of thoo thynges/ that perteyne to our beleue/ to honeſtie/ to vertue/ and to good maners/ it is contrary. For in theſe thinges his power determineth nothing, but that lerning hath determined/ & power here ought in al caſes to be ruled & ordred by lerning. For here if power in the leaſt thing that can be, be contrarye to the keye of LERnynge, that is the cnowlege of the law of god/ the

determination shulde be nothinge worth. For if the Pope wolde by any maner of power determyne any thynge other wyse than lernyng, that is the cnowlege of goddis lawe/wolde haue it be determyned, other in our fayth, or in good maners: his determinacion shulde be vtterly nothinge worthe at al/yea it shulde be lefull for euery christian man, that knoweth this/to crie out ageinst it/and all to be spyt & be spue it/ and to reproue and damne it as hereticall. For if any power do commaunde the to do any thinge, that thou oughtest not to do/ then doubtlesse contemne and dispice that power, as saynt Austine sayth. For, saith he, take hede of the degrees/that be in worldly thynges. For if the Marshall of the hoste bidde vs do any thynge/shall we do it/if it be ageynst the grande capitayne? Agayne, if the graunde Capitayne byd vs do any thinge, and the kynge or Emperour commaundeth vs to do a nother/dost thou doubt/ but that we muste obey the cōmandement of the kynge or the emperour/and contemne the cōmandement of the grande Capitayne? Therfore if the kynge or the emperour bydde one thinge/and god an other

ther, we muſt obey god, & contẽne & not regard nother kyng nor emperour. Therfore we may not thinke, that the Popes licence in the degrees forbydden by goddis lawe, is iuſte and a richtfull diſpenſation? but rather an vnrichtfull and an vnreſonable diſſipation, and myſorderynge of the lawes of god. For truli god doth not alowe ſuch maryages, whiche be ageynſte his owne lawe, nor yet ſuche ouchte not to be called trewe mariages. For that oucht not to be iudged mariage, whiche is made ageynſte the lawe of god. But when it is ones knowen, it muſte nedes be amended, as ſaynte Ambroſe ſayth.

¶ YEA AND beſyde al this, though we wolde euen graũt neuer ſo moche, that the popes haue ben wont of cuſtome to put to, or to take awey from the lawe of god, and ſo to make expoſitions & reſtreyntes vpon goddis lawe: yet for all that the doctours of the lawe do thynke, that it is lefull for them, but only in .ij. caſes.

¶ One caſe, whan that one lawe of god is expouned and reſtreyned by an other lawe of god, as this commaundement, THOV ſhalt not ſlee, is lymytted and ex-

pouned thus/that it is lefull to slee mysdoers. ¶An other case/whan the pope of a iust and a leful cause,and suche as is without synne/doth put to/ or take away some parte/from the lawe of god, as to this cõmaundement: IN the mouth or wytnesse of. ij. or. iij. standeth all the prose,the pope for a iust cause,vseth somtyme to put more wytnesse than. ij. or. iij.

¶But the pope can by none of these. ij. weyes expoune or restreyne this Leuiticall commaundement, That a man shulde not marie his brothers wyfe. For all thoughe that it was limitted and restreyned before tymes of god in the Deuteronomi, yet for all that bycause afterwarde the sayde restreint was taken awey of god hym selfe bi the cõminge of Christe: truly the pope can not brynge vp agayne nowe in these dayes the same restreynt. For if the pope now of dayes coulde by dispensation cause/ that a man micht mary after the law of the Deuteronomi,his brothers wyfe, whiche dothe dye hauynge no issue, for to reyse vp sede to his brother: without doubte he shulde make christian mẽ at this day to folow the Jues cerimones & superstitiousnes/which

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the pope can not do, no more then he can cause that we shuld kepe their sabbat dai/ or that there shulde be circumcisyon, as saint Gregory saith. After that the grace & fauour of almichtie god appered, the cō-mandmētes of the law/which were spoken bi figure & mystically/ can not be kepte, as we haue shewed you before of the sabbat day/ & of circūcisiō/ & other figural or mysti-cal lawes, as is also that cōmādmēt of the Deuteronomi, That we shulde marie our brothers wyfe. wherfore if the pope wold bryng vp this nowe amonge vs christian men/he could not. For he can by no meane bringe vp ageyn the customes and ceremo-nies of the Jues/ whiche were abrogate & clene taken awey bi the cōming of Christe. This saint Paule proueth, saying, IF you be circūcised/Christ shal ꝓfet you nothing at al/which did speke ageinst Peter to his face/bicause he cōstreined the gētils to fo-lowe the Jues ceremonies. And also saint Thomas saith/ that whan thapostol doth publiss he the law of god, it is nat leful for the pope to dispense/ as for an exemple, where the apostoll sayth, IF you be circū-cised/ Christe shall profette you nothinge,

whose sayenge also Joannes de Turre cremata doth folowe. Therfore the pope can not restreyne this Leuitical lawe in the first case, that is, by cause it is restreyned by the Deuteronomi lawe/whiche is but a mystery and a ceremony.

¶ And agayne in the seconde case, that is to say, for a cause or consideration the pope can moche lesse dispense in this Leuiticall lawe/ seynge there can be no cause founde lefull inough, and that shulde be without synne/for the whiche he may dispense. For to discouer the foulenes of our brother/ is in the maners of men foule and shamefull/ and suche couplynge is called inceste: and incest is as greuous a synne as can be. And therfore playnely euin as the pope can not dispense, that a man may commytte adultery/or to kepe a concubyne or léman/or to haue many wyues at ones, and in suche other lyke, by cause they be of them selfe, and by their owne nature, euermore yl and nouchty: so nother in this kynde of inceste mariage, where as is deadely synne after the law of god/ther can be no cause foũde/ whiche can excuse that synne. For seynge that honestie is cause of this prohibition/

whiche

whyche is the contynuall companyon of mariage, this kynde of mariage playnly is to be thoucht so euyl in the maners of mē, and also so myscheuous in example/ that it can not be mainteined in no case, nother by man/ nor by aungell/ nor by apostoll, nor by any apostollyke man.

¶ Nor let not the Pope here lay ageynste vs his full power. For we graunt/ that the Pope hath in dede a fulle power, and not yet all thinge so full as the worde souneth: so that this full power shulde be able to do any dede that is possible to be done, or any thynge that hym lustethe to do/ as though there were no superior. For suche power is onely mete for Christe, according to that sainge of Christe, VNTO me is giuen all power bothe in heuen and in erthe/ but this power of the Pope is restreyned and drawen in/ to tho thinges/ whiche belonge to the pastorall or sheperdly cure of soules. And for orderynge of this power/ bycause the pope is nat suche one/ that can not synne, nor is not confyrmed in grace/ Christe hath made his rule of the godspel/ after the whiche the pope shulde order all his doynges: from the whiche rule of the

gospel if the pope wolde vary and swarue, and wolde graũte any thinge, that shulde be contrary to the preceptes of the same godspell/ he doth not followe that power, that god hath gyuen hym / nor god doth not approue that, that he doth. ¶ And as for that, whiche Pope Innocent, & Pope Nicolas do saye, That it is not lefull for any man to iudge of the iudgement of the seate of Rome/ nor lefull for any man to reuoke or reuerse the sentence or iudgement of that seate / for bicause of the preemynence of the churche of Rome: This sayinge of them ought not greatly to moue vs. For we thinke/ that tho wordes muste be vnderstonde thus: That it is not lefull for any inferior power to reason vndiscretly on the iudgement and determination of that seate/ nor to affirme and holde openly any thinge cõtrary to that determination: excepte that it be euident and playne / that the iudgement of that seate be erroneous & wronge (As master Gerson writith) And that it is not leful for ani inferior person, to iudge as it were by auctorite vpõ the iudgemẽt & determinaitiõ made bi the pope, & as though he had iurisdiction & power ouer

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the pope, for bi cause of the preeminence of the seate of Rome. But if that any pope do decre any thing ageynst the lawe of nature and goddes lawe: there if any mā do iudge & reson of his determinatiō & iugemēt wisely/ discretly/ & clarkely, & not as it ware by auctorite/ & doth labor with all his might/ that his sentence & determination maye be reuoked and called agayne: This thynge is (as we thynke) so far of from sacrilege/ pride/ and presumption/ or any other vice/ that we beleue/ there can be nothinge more godlye or more nere vnto the religyon of Christe. For doth not the Churche often times by recht and good lawe/ reuoke correct and reproue the dedes and determinations of the Popes/ whiche haue not bene very wel and conuenyently done of them, or dothe it let to chaunge them and make them better? yea furthermore, hath not also meane bisshopes resisted & withstōde the wronge & vnreasonable sentencis & cōmandemētes of the popes/ not regardinge their cursynges/ excōmunicatins, & al punisshemētes/ that the churche doth vse? And bycause we will not seke far in histories for an exemple in this matter / we shall shewe

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you a thinge or. ij. that was done here in Englande/and in Fraunce here by.

¶ Laurentius, succeſſor to Auſtine in the archebyſſhopprike of Lanturburye, after that he had curſed Edbalde the kynge, for marienge of his ſtepmother/ coulde not be moued by no prayenge nor requeſte of the Pope, nor by drede of curſynge/ to abſoile the ſaide kynge/tyll he had renounced, and forſaken that fyltby and inceſt mariage.

¶ And Dunſtan, archebeſſhop of the ſaid ſeate/ folowinge the forſayde Laurence/after that he had excommunicat and curſed the erle Edwyn/bicauſe he had maried his brothers wyfe, coulde not be moued by no meanes to obei the pope, that deſired him/ charged and cómanded hym moſt ſharply and ſtreitely to aſſoyle the ſayde Edwyn: vntyl he hadde forſaken his vnlefull wyfe.

And more ouer it is written, that he was euer wót to haue this ſaieng in his mouth: GOD forbid/ that I ſhulde, for any mortall man, not regarde the lawe of my god.

¶ And thus alſo Sampſon/ ſome tyme archebiſſhoppe of Rein/ had leauer haue ſuffered the moſt extreme puniſſhementes, that coulde be/and al ieopardies of excom-

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munication and curſynge: then he wolde anoynte Alam, douchter to the erle Theobald/for quene, whom at that time Lewes the frenche kynge had maryed/bycauſe he hadde diuorſed before/ Alams ſyſter from Philip, brother to the ſayd kynge Lewes, by reaſon of conſanguinite.

¶ And no leſſe worthy to be remẽbred is that/whiche Groſſeheed/ſomtime biſſhop of Lincolne dydde. For when Pope Innocent wolde haue conſtreyned hym to make the Popes neueu a canon/ whiche was an vngracious felowe, and vtterly vnworthye and vnmete/he wrote ageyn theſe wordes. There can no man, ſayth he, beinge ſubiect and feythfull to the ſeate of Rome/ with cleane and pure obedience/ and not cut of by diuiſion from the body of Chriſte/ and from the ſame holy ſeate, obey ſuche commaundementes or any other maner enterpriſes/ from whenſe ſo euer they came, yea and though it were from the higheſt order of aungels, but he muſte and is bounde of neceſſitie both to ſpeake agaynſt them/and to fyght and rebell ageynſt them to the vttermoſte of his power. Therfore reuerende ſyr, for the duetie of obedience and fidelite/

that

that I owe to both my parentes and to the holy seate of Rome, and agayne bycause we bothe be ioined to gether / as membres in one body of Christe: I, lyke a catholyke man/and as one of the body of Christe/and lyke a good childe, do not obey/ but gaynsay and rebell agaynste those thinges, that be conteined in your letter, bycause they swarue as playnly as can be in to that forsayde synne/ whiche is to our lorde Jesus Christe mooste abominable / and of it selfe moste myscheuous and pestilent, and vtterly contrary to the holines of the seate apostolyc. Nor your wisedome and discretion can not decree any sharpe punisshment agaynste me for this cause/ if you will do nothynge / but that, whiche is rycht and resonable. Bothe bycause all my sayeng and doing in this behalfe/is nother geinsaieng/ nor geynstriuinge, or rebellion/but honour & reuerence/ suche as a good childe oweth to his father and his mother: and agayne bycause the holines of the seate apostolyc can do nothynge but that, whiche shulde be to edyfienge/ and not to destruction.

TO the great cõstancy/ & the saieng moste comely, for a christian bysshop. For howe

peruerse a thing, & what a cõfusion shulde it be (as saint Barnarde saith) bi obeyeng to euyll & nauchtie cõmandemẽtes, wherin thou semest to be obediẽt to mã, to shewe thy selfe inobediẽt to god, which hath forbiddẽ al that is ill done? For if god forbiddeth that, whiche man cõmandeth, shal I here man, and be deafe and not here god? Therfore (that we mai come to our matt agein wher as we lefte). Truely if the pope do suffre, bi his auctorite and power, incest mariages to be made, or wyll not breake them, when they be made, which (as Gregory saith) be abhominable to god & to all good men, it shall be the dutie of a louing & a deuout bisshop, not only to withstande the pope openly to his face, as Paule dyd resist Peter, bicause the pope verili is to be reprehended & rebuked: but also with all faire meanes & gentylnesse, and lernynge, in tyme and out of tyme, ought to crye vpon hym, to rebuke, reprouc, besech, exhorte hym, that the persones, so coupled to gether, maye forsake suche maryages. And if they wyll not take the good lernynge and counsaile of theyr bisshop, but wyl folowe their owne voluptuous plesure, than

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at the last the byssshoppe ouchte to plucke forthe his spirituall swozde of excommunication and cursyng; and to shake it vpon suche persones, and to be take them to the diuol, to the punisshement of their flesshe; so that their spirite oz soule be saued in the day of our lozde Jesus/ accozdynge to the cõmaundment of Christe, and the exemple of Paule. Foz els howe shal these prelates do the dutie of byssshoppes and ouerseers, as they ought to do, if that foz the cruelte, & thzetes of the popes, they shall not dare calle backe theyz shepe in to the waye of truthe, that be out of the wey and loste, foz whom they shal gyue a compte in the terrible and dzedefull iudgement of god? Oz how shal they escape the greuos & sharpe punyssheméntes of god/ with the whiche god thzetneth them, that wyll not shewe the wycked synner his fautes, noz wyll not crye and gyue warnynge, whan they se the swerde commynge, that the synner may be conuerted frõ the wzonge wey to the richt wey/ and to the trouth? I, AM alyue, saith our lozde, bycause that my flocke is rauyssshed/ and my shepe deuoured of al beastes of the felde/ bicause they had no herdeman

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noꝛ ouerſeer. Foꝛ trewely the ſheperdes ſoucht not foꝛ their flocke, that, that was weake and feble they did not ſtrégth, that was ſycke/ they didde not heale, that was broken/they dyd not bynde to gether, and that, that was loſt they did not ſeke foꝛ it, BEHOLDE ſaith our loꝛde, J ſhall aſke a count of my ſhepeherdes foꝛ the death of my flocke/ and J wyll cauſe them to ceaſſe and to feade my flocke no lenger.

¶ And nowe euin as biſſhops, foꝛ bicauſe of their office and duetie, oucht not to bere oꝛ obey the popes cõmandmentes in thoſe thinges, that we haue reherſed befoꝛe, euin ſo truely al other chriſtian men/be thei neuer ſo meane oꝛ of lowe degre, as many as beinge toucht by the holy goſt, do ones playnely perceiue, that they do kepe ſuche mariages, as be inceſt: they may/ yea and are bounde foꝛ the loue and religion that they owe to god/ not only to breke ſtreicht wey ſuche mariages/but alſo with a ſtable and ſtedfaſt ſtomac/ and ſuche as a chriſtian man oucht to haue/ be bonde to with ſtande and reſyſte valiantly the Pope/ all thoughe he wolde threten them by a.M. curſynges and excõmunications, that they

shulde do the contrary.

¶ For there be two lawes saith pope Vrban, one public/ an other priuate. And the public lawe is that, whiche hath ben confirmed by writynge of the holye fathers. The priuate lawe is the lawe/that is written in mennes hartes/ by the inspiration of the holye goste/as thapostoll speaketh of certeyne, VVHICHE haue the lawe of god written in theyr hartes. ¶ And in an other place he sayth, VVHAN the heathens/which haue no lawe/do NATURALLY / that is to say/by the inspiration of the holy goste onely/without any lawe writen/ tho thynges that the lawe commandeth, they be the lawe to them selfe. Therfore if any of these, saith Vrbane, hath people in his gouernaunce vnder the byssshop/in his churche, and dothe lyue secularly, and if that he, inspired with the holy goste, wyll saue him selfe in some monasteri/or amõge regular chanons: bicause this man is moued by the priuate lawe of his conscience/ that is, by the motion of the holye goste, there is no reason, that he shuld be bonde to the public lawe. For the priuate lawe is of more dignitie than the publike lawe.

For

FOR doubtlesse the spirite of god is the lawe, and, THEY that be ledde by the spirite of god, be ledde by the lawe of god/ and, VVHAT persone is it/ that can of richt withstande the spirite or holy goste? Therfore who so euer is led with this spirite/ lette bym go his wayes free, euen by our auctoritie/ yea although his byssbop say nay. FOR there is no lawe nor bonde made for a richtwyse and a good man/ but where as is the spirite of god, there is libertie and fredome/ and, IF ye be led with the spirite of god, ye be not vnder the law, that is to saye/ if we folowe the motion of the holy spirite and of our conscience/ we be not vnder the commune lawe/ whiche euer ouchte to gyue place to the pryuate law. For in tho thinges/ that be forbidden by the lawe of god/ we must obey our conscience: and in other thinges the churche. Nowe fyrst the churche can not binde any persone to synne by her commaundement. Seconde, it can not be auoyded/ but that suche persons, whiche by the lawe of god & nature be vnlaufull to marie/ and yet be coupled by mariage, or at the leste/ that is presumed to be mariage/ do lyue in synne/

onely excepte that they be maried by ignorance, and that by such ignorance, as could not be auoyded. Finally Paule saith, He that putteth difference betwene meate and meate, if he eate, then he is condemned, by cause that, that he dothe is not done with faith, and good conscience. For all that is not done with faith is synne.

¶ Of these. iij. reasons, it foloweth, that al christian men, if their priuate conscience, lichtned with the holy gost, and knowlege of holy scripture, as it ought to be, hath moued them vnto it, they may without any ieopardie, yea and are bonde to make a diuorse with her, whom bothe nature and the lawe of god doth forbid them to haue to their wyfe: and to delyuer them selfe from that vntrue and onely presumed and pretensed mariage: the cõmune lawe, what so euer it be, notwithstandyng and cõmandynge the contrary. Lykewise as a secular preest, moued by his owne conscience, and not by any lichtenes or inconstancye maye laufully go to an other byshoppryke ageynste his owne Byshoppes wylle, no maner of decree of the fathers to the contrarye withstandynge: and as a regular

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professed, or the byssshoppe of a churche/ thouch his prelate and the pope be ageinst it/ maye lausullye go to a streyter maner of lyuing the cõmun lawe notwithstanding and byddynge the contrarye. For suche a one, as Innocente sayde, after that he hathe asked lycence of his prelate to go his waye, vpon his priuate lawe, whiche is to be preferred before the commun lawe he is absoyled and losed, and may frely fulfyll his purpose of a more holier lyuing/ the sayenge nay and frowarde forbiddyng of his indiscrete prelate not withstandinge. For who so euer abuseth the power, that is giuẽ him/deserueth to lese his priuilege. And euen so it is in the maryage/ that if a mans conscience moue him to diuorse/ that he diuorse hym selfe, thoughe the churche say cõtrary. For truly al though the churche doth not declare suche maner of diuorsis, yet the churche is bonde of deute to declare them, & to bid openly such diuorsis to be made. And all though the Pope by his prepensed & expresse acte, doth not agre to this diuorse/ yet for all that by his secrete acte & of duetie he vtterly agreeth vnto it.

¶ AND HITHERTO we haue shewed

well and sufficiētly/by very many reasons, as far as it perteyneth to this pourpose/ that the prohibition/ THAT we shulde not mary our brothers wyse/ whiche is deade without issue/is not suche a phibition/as stondith by constitution of man/ but as nature fyrst did plant in mannes mynde/ and afterward chastite and reuerent shamfacidnesse hathe kepte it before the lawe: and our lorde shewed it vnto his chosen people by Moses, and such as the custome of christian men, with great consent and agrement of them that vseth it, hath from the beginnynge of the christian fayth many yeres folowed and obserued/ whiche hath so often ben renewed by counsayles, receiued and confyrmed by latter lawes. And fynally we haue proued, that the Popes auctoritie can not stretche so far/ that he may dyspense with suche maryages/ whether they be made all redye, or be yet to be made. The whiche thinges/ moste gentyll reder/ bycause we truste they will so satisfye and content the, that we thinke it but labour vtterly loste to seke for ayde any farther in this matter/ either of holy scripture/ or of the decrees of the churche,

or of the determinatiõs of the vniuersities, that be in Italye, Fraunce, and Englande, or of the suffragis and voycis of the greatteste lerned men that be / as yet there be a great many behynde, it semeth to vs beste here, to couclude and make an ende of our worke, and not to tary the any longer in rekenninge them vp. And this one thinge / moste indifferent reder / we beseche the for the loue that thou haste to god, to vertue & goodnes / that as thou seest the consente and agrement of so many vniuersities / the fauour and studies of so great lerned men, to bende and inforce them selfe so lowingly and religiously, onely to mainteine and defende the auctorytie of the lawe of god: that thou agayne, bothe with thy lerninge and auctoritie, will farther and set forward theyr enterprises, wylles, and desires, by all meanis that thou canste / remembrynge howe fearfull and greuous that punisshement is, whiche Christe threatenith them withall, that vsurpe and wrongfully take vpõ them the key of godly cnowlege & lerninge, & nother they them selfe do entre in to it / and yet do let & stoppe out other / whiche do all that they can to breke in to it.